

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
OA 180/95

New Delhi this the 11th day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri M.P. Singh, Member (A)

1. Subhash Chander
S/O late Sh. Ganga Ram
Tracer, Drawing Office (Engg.),
Divnl. Railway Manager's Office,
Northern Railway, New Delhi.

Resident of 145-3 Rly Colony,
Shivaji Bridge, New Delhi.

2. Prem Chand son of Sh. Budhi Ram,
Tracer Drawing Office (Engg.),
Divnl. Rly. Manager's Office,
Northern Railway, New Delhi.

Resident of F-141, Raghbir Nagar,
New Delhi-21

.. Applicants

(By Advocate Sh. M. L. Sharma)

Versus

1. Union of India through
General Manager, Northern Railway,
Headquarters Office, Baroda House,
New Delhi.

2. Divnl. Railway Manager,
Northern Railway, New Delhi.

.. Respondents

(By Advocate Sh. B. S. Jain)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

We have heard both the learned counsel for the parties.

2. The applicants have filed this OA claiming the following main reliefs:-

"8.2 That this Hon'ble Tribunal may further be pleased to quash the impugned order dated 6.7.94 whereby seeking reversion of the applicants.

8.3. That this Hon'ble Tribunal may further be pleased to direct the respondents to regularise the applicants as Tracer from the date of their promotion i.e. 1.11.83 and 1.12.84 respectively.

8.4. That this Hon'ble Tribunal may further be pleased to direct the Respondent to consider the promotion of the applicants to the post of Jr. Draftman Grade Rs. 330-560 and after completion of 5 years service i.e. from 1.11.88 and 1.12.89 respectively with all consequential benefits and interest thereon."

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3. Shri M.L.Sharma, learned counsel for the applicants has submitted that he is not pressing the relief in para 8.2 as admittedly, the applicants were not reverted as also contended by Shri B.S. Jain, learned counsel for the respondents. Accordingly he submits that this prayer no longer survives.

4. With regard to the relief sought in Para 8.3 of the O.A. admittedly, the respondents have regularised the applicants as Tracers by order dated 1.11.96 with effect from that date (Annexure A-13 attached to MA 1853/99) and not from the date claimed by them. The relief in Para 8.4 is a consequential relief flowing from claims in Para 8.3 regarding further promotion. Apart from this, it is noticed that the regularisation order dated 1.11.1996 has not been challenged in this O.A.

5. In the above facts and circumstances of the case the relief in 8.2 does not survive and the relief prayed in Para 8.3 has already been partly granted by the respondents. The order dated 1.11.1996 has not been challenged in this O.A. and hence the relief in Para 8.4 cannot be allowed in this OA, having also regard to the provisions of Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987. Accordingly without expressing any view on the merits of the claims of the applicants for further promotion and noting that relief prayed in para 8.2 has now become infructuous, nothing further survives.

6. O.A. is disposed of as above. No order as to costs.

M.P.Singh
(M.P.Singh)
Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)
Member (J)

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