

Reserved on 8.2.2021

Central Administrative Tribunal, Allahabad Bench, Allahabad

O.A. No.330/00638/2006

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Tarun Shridhar, Member (A)

This the day of February, 2021.

Ramesh Chandra Srivastava son of late Achhaibar Lal retired as Deputy Chief Controller, Time Table N.E. Railway, Gorakhpur, resident of Ganesh Puram Near Vir Bahadur Singh Sports College, Post Arogya Mandir, District- Gorakhpur..

Applicant

By Advocate: None

Versus

1. The Chairman, Railway Board, Rail Bhawan, New Delhi.
2. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
3. The Divisional Railway Manager, N.E. Railway, Varanasi.
4. The Divisional Railway Manager (Personnel) , N.E. Railway, Varanasi Division.
5. Chief Personnel Officer, Head Quarter, N.E. Railway, Gorakhpur.

Respondents

By Advocate: Sri P.K. Mishra proxy for Sri P. Mathur

ORDER

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

No one was present on behalf of the applicant even in the revised call, when this case was listed on 8.2.2021.

2. Sri P.K. Mishra, holding brief of Sri P. Mathur, was present on behalf of the respondents.
3. Heard learned counsel for respondents and perused the record.
4. The present O.A. is pending since the year 2006 and has become critically old. The last order sheet is of 22.5.2012, which is reproduced below:-

"22.5.2012

Hon'ble Mr. Sanjeev Kaushik, JM
Hon'ble Mr. Shashi Prakash, A.M.

Shri S.K Mishra, counsel for the applicant. Sri P. Mathur, counsel for respondents submitted that identical issue which is raised in the instant O.A. has already been considered by this Tribunal in O.A. No. 899/2006 and 415/2007 by order dated 8.5.2009. The OAs were allowed and the orders dated 12.7.2006 and 11.8.2006 passed by the respondent No. 4 were quashed. One Shri Udai Shankar Jaiswal against the above order filed writ petition No. 32699 of 2009 before the Hon'ble High Court in which the Hon'ble High Court by order dated 6.7.2009 have stayed the operation of the order dated 8.5.2009 passed in O.A. No. 899 of 2006. He further alleged that in view of that the instant O.A. be listed after the decision of the writ petition. Shri S.K. Mishra on the other hand submitted that he has no knowledge.

In view of the statement made by counsel for the respondents, we deem it appropriate to list this O.A. after the decision in the writ petition. Either parties can make application for listing of the matter."

5. The order dated 24.4.2017 of the Hon'ble High Court passed in the aforesaid Writ A No. 32699 of 2009 has been annexed by the Registrar of this Tribunal with his report.

6. The order of Hon'ble High Court shows that in view of subsequent events and developments, the order of this Tribunal passed in O.A. became infructuous. Therefore, the writ petition was also dismissed as infructuous.

7. It appears that due to the reason that the order passed by this Tribunal has itself become infructuous, the applicant has lost interest to pursue it any further and he is not appearing since long.

8. In view of the above, O.A. is dismissed as infructuous.

9. No order as to costs.

(Tarun Shridhar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

HLS/-