

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

OA No./050/00822/2017

**Due to COVID-19 Pandemic, case has been heard & decided through Video
Conferencing**

Date of order 15.10.2020

CORAM

Hon'ble Shri M.C. Verma, Member [J]
Hon'ble Shri Sunil Kumar Sinha, Member [A]



Prabhat Kumar S/o late Rajendra Prasad, resident of Mohall Bahadurpur Housing Colony, Bhootnath Road, Patna-800026.

.....Applicant

By Advocate : Shri Jayant Kumar Karn

Versus

1. The Union of India through the Chairman, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi – 110001.
2. The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi – 110001.
3. The Joint Secretary (E)-II, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi – 110001.
4. The General Manager, East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.- Hajipur, District- Vaishali at Hajipur -800101.
5. The General Manager (Personnel), East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.-Hajipur, District- Vaishali at Hajipur -800101.
6. The Dy CPO/Gaz, O/o the General Manager (P) East Central Railway, Hajipur- 800101.

....Respondents

By Advocate: Shri B.K.Choudhary with Shri Kumar Sachin

O R D E R (ORAL)

M.C. Verma, M [J]: Heard. The prayer as made in the O.A reads as under :-

- “8.A. *Office Order No. GAZ/333/2017, dated 13.12.2017 issued under signature of Dy CPO/Gaz, for General Manager (P) Eat Central Railway, Hajipur as contained in Annexure A/1, so far the same relates to applicant may be quashed and set aside.*
- 8.B *The respondent authorities may be directed to consider and decide the claim of applicant, as made in his representation dated 07.03.2017 as contained in Annexure-A/4, towards his claim for his retrospective promotion to AEE & DEE from July 2001 and his subsequent restoration of his exact seniority for promotion to JAG, with all consequential benefits.*
- 8.C *The respondent authorities may be directed to consider the regular promotion of applicant to JAG as well as other upward promotions at the earliest in pursuance of settled of his relief/prayer made in Paragraph -8B above, by*

taking into consideration the principle laid down by this Hon'ble Tribunal on 24.11.2016 in O.A. -476 of 2016 H.P. Gupta Vs Union of India, as contained in Annexure-A/3 with all consequential benefits.

8.D *Any other relief/reliefs as the applicants are entitled and your Lordships may deem fit and proper in the ends of justice."*

2. Learned counsel for applicant Shri Jayant Kumar Karn fairly submits that four fold prayer has been made in the instant O.A. The first prayer relates to quashing of reversion order dated 13.12.2017 but said order has since been recalled by the respondents and therefore, this prayer of quashing of order dated 13.12.2017 has become infructuous. He added as far as the prayer incorporated in para 8(B), 8(C) & 8(D), same relates to retrospective promotion of the applicant with effect from 2001 and its consequential benefits. But in view of dismissal of O.A. 339/2020, it has become insignificance/infructuous to press for those reliefs in instant O.A. and hence he does not want to pursue this O.A and rather want to withdraw this O.A. He added that applicant wants to seek legal advice regarding dismissal of O.A. 339/2020 wherein also the prayer relates to same retrospective promotion and if necessary to press for all relief qua retrospective promotion in writ petition, it is advised and is filed against the order of dismissal of O.A. No. 339/2020. He urged that OA 339/2020 recently preferred by the applicant of instant O.A. and O.A was on Board on 06.10.2020 for hearing and during hearing of said O.A. reference instant O.A. No. 822/2017 as connected matter was made and hence it was directed to list O.A 339/2020 and O.A. No. 822/2017 for hearing on 15.10.2020, meant to say today. After hearing at length O.A. 339/2020 has been dismissed today. Perusal of last order sheet of instant O.A. 822/2017 is of 06.03.2019 and it reflects thereby that this matter was directed to be listed on 29.04.2019, however for this on that reason it could not be listed before the Bench. Today aforesaid backdrop and direction instant O.A is on today's Board. Counsel for respondents urged to pass appropriate order.

3. Taking note of submission made at Bar and other surrounding circumstances, the O.A is dismissed as withdrawn.

(Sunil Kumar Sinha) M (A)
//mks//

(M.C. Verma) M [J]







