

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

PRESENT

HON'BLE MR.JUSTICE A.K. YOG, MEMBER (J).
HON'BLE MR. K. S. MENON, MEMBER (A).

ALLAHABAD this the 19th day of **August, 2008**.

ORIGINAL APPLICATION NUMBER 1018 OF 2001.

A.N. Mazumdar, S/o Late A.N. Mazumdar,
At present residing at house No. 143, Mohitisimganj, Allahabad.
(Since deceased)

1. Smt. Priti Mazumdar, W/o Late A.N. Mazumdar , a/a 55 years
2. Sanjay Mazumdar, S/o Late A.N. Mazumdar, a/a 38 years
3. Ranjay Mazumdar, S/o Late A.N. Mazumdar, a/a 36 years
R/o residing at house No. 143, Mohitisimganj, Allahabad.
(Applications 1, 2 and 3 have been substituted by Tribunal's order
dated 26.04.2004)

.....Applicants

By Advocate: Sri Satish Dwivedi

VERSUS

1. Union of India through the General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.
3. The Divisional Personnel Officer, Northern Railway,
Allahabad.

.....Respondents

By Advocate: Sri Prashant Mathur

(Signature)

ORDER

DELIVERED BY: HON'BLE MR. JUSTICE A.K. YOG, J.M.

This O.A was filed with the following relief (s): -

"(A). That the order dated 15.01.2001 passed by Divisional Railway Manager, Northern Railway, Allahabad may be declared illegal and the same may be quashed and further respondents be directed to produce the service record of deceased applicant and Sri Baldeo Kishan before this Court and after examining and considering the entries made in the service record of both the persons the question of promotion and seniority of deceased applicant may be decided and he may be allowed the benefit of promotion and seniority with effect from the date, the same have been allowed to Sri Baldeo Kishan junior person, and accordingly the pay and retirement benefit of deceased applicant may be fixed and arrears thereof may be paid to applicant No. 1/ 1, $\frac{1}{2}$ and $\frac{1}{3}$ with interest admissible under the law.

(B). That the respondents be directed to regularize the posting of deceased applicant on the post of ETL with effect from the date of regular posting of Sri Baldeo Kishan on the post of ETL and he may be allowed all the consequential benefits.

(C). That the respondents be directed to give two due promotions of deceased applicant as per recommendation of Vth pay commission with all the consequential benefits.

(C-1) That the respondents be directed to provide all the pecuniary benefits of service of deceased A.N. Mazumdar to applicant No. 1/ 1, $\frac{1}{2}$ and $\frac{1}{3}$.

(D) That any other and further relief which this Tribunal may deem fit and proper be also awarded to the applicant.

(E) Cost of proceeding be awarded to the applicant."

2. Perusal of impugned order shows that the applicant/A.N. Mazumdar (since deceased represented by legal representatives 1, 2 and 3/widow and two sons) had requested the department to decide representation dated 13.11.2000. In response to it he received reply dated 15.01.2001 (Annexure -1 to the O.A) that after retirement "a Railway Servant cease to be railway servant and seniority/promotion becomes immaterial with retirement.....". The impugned order further

(A)

mentions that the case of the applicant was examined and it was found that since the applicant himself failed to produce relevant documents, the seniority list of High Skilled Fitter Gr. I could not be resettled. Apart from the above fact, the original documents pertaining to temporary period were also not available. Some document traced during search indicated that the applicant A.N. Mazumdar was not entitled to claim seniority, as alleged by him, vis-à-vis others like Mohd. Farooqui and Sri Mustafa Ahmad etc. It is also noted in the impugned order that the applicant was under sick w.e.f. 26.11.1994 till retirement and he was to be placed in seniority list between P. Narsimbha and Mohd. Farooqui.

3. In view of the aforesaid facts, it is evident that no useful purpose will be served by directing the respondents to adjudicate seniority etc. in the facts and circumstances of the case. Besides the above, it is to be noted that the applicant A.N. Mazumdar is no more and no actual benefit as such can be given to the legal heirs inasmuch as the applicant had retired from service. To consider question of grant of monetary benefits without there being specific pleading and supporting document/s, this will be a redundant exercise on the part of the Tribunal. Consequently no relief can be granted through this O.A.

4. With the above observation, the O.A is finally stands disposed of.

5. No costs.

Member (A)
MEMBER (A)

Member (J)
MEMBER (J)

/Anand/