

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD**

(THIS THE 10<sup>TH</sup> DAY OF OCTOBER, 2011)

**PRESENT:**  
**HON'BLE MR.D. C. LAKHA MEMBER-A**

**ORIGINAL APPLICATION NO. 295 OF 2005**  
(U/s, 19 Administrative Tribunal Act.1985)

Heera Lal aged about 55 years, son of late Purshottam resident of Gram Lacchan Chaukhata, Post Bharari, District Allahabad.

..... Applicant

By Advocate: Shri A.K. Dave.

Versus

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager, North Central Railway, Allahabad.
3. Senior Section Engineer (P.W.I.) North Central Railway, Meja Road, Allahabad.
4. Assistant Divisional Engineer N.C.R. Mirzapur.

..... Respondents

By Advocate: Shri B. Tiwari.

**ORDER**

**(DELIVERED BY: HON'BLE MR. D. C. LAKHA- MEMBER-A)**

I have heard Shri A.K. Dave, learned counsel for the applicant and Shri B. Tiwari, learned counsel for the Respondents.

2. This O.A. has been preferred to seek the following relief Nos. 1 and 3:-

"(i) to quash the impugned order dated 23.12.2004  
(Annexure No. A-1).

(ii) to direct the respondent to allow the applicant to continue to work on supernumerary post till suitable alternative appointment is available for him and pay him salary regularly as and when falls due with all consequential benefits.



(iii) *to pass any other or further orders as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."*

3. Sri A.K. Dave, learned counsel for the applicant has stated at the outset that he does not have any latest instruction of the applicant in this O.A. However, in view of the affidavit filed on behalf of the respondents vide Civil Misc. Application No. 2224/11 this O.A. may be treated as disposed of because the relief being sought in this O.A. is made available to the applicant with special reference to Para No. 2 and 3 of the affidavit.

4. It is relevant to reproduce these two Para of the affidavit dated 23<sup>rd</sup> August, 2011 which are as under:-

"2. *That, in the above noted case an interim order for status-quo was passed by this Hon'ble Tribunal on 21.03.2005 and in pursuance of interim order, the applicant was working at his original place and he retired on 30.11.2010 working in scale of Rs. 5200-20200/-.* By letter dated 06.08.2011 written by Assistant Divisional Engineer, N.C. Railway, Mirzapur to Divisional Railway Manager (Law), N.C. Railway, Allahabad, it has been stated that Mr. Heera Lal was retired on 30.11.2010. A photocopy of letter dated 06.08.2011 sent by Assistant Divisional Engineer, N.C. Railway, Mirzapur to Divisional Railway Manager (Law), N.C. Railway, Allahabad is being annexed herewith and marked as Annexure No. 1 to this affidavit.

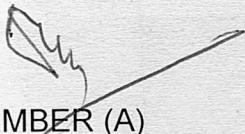
3. *That, after retirement all dues have also been paid by the department to the applicant and nothing has remained to be paid to the applicant, as such, this original application has become infructuous and, as such, the same is liable to be dismissed by this Hon'ble Tribunal on the ground that this case has become infructuous."*

5. I have gone through the pleadings in O.A. and the counter reply including the affidavit by the respondents dated 23<sup>rd</sup> August, 2011. Since



the applicant has expressed no reaction or disagreement on order passed by the respondents dated 06/08.08.2011 and confirming the facts given in the said affidavit dated 23<sup>rd</sup> August, 2011, it is deemed that the grievance of the applicant have been redressed and the relief, which is sought while filing this O.A., has been made available to him. It is also factually undisputed that the applicant in this O.A. is no more in the service by virtue of superannuation on 30.11.2010. It has specifically been stated in the affidavit that nothing is to be paid to the applicant after this order dated 06/08.08.2011 by which all the dues and claim have been settled in favour of the applicant.

6. In view of the above facts the O.A. is rendered infructuous and is accordingly, treated as disposed of. No order as to costs.



MEMBER (A)

/S.V./