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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO.502 OF 2005.

ALLAHABAD THIS THE 04TH DAY OF JULY 2007.

Hon'ble Mr. Ashok S. Karamadi, Member-J

Hon'ble Mr. K.S. Menon, Member-A

Dr. Anil Kumar Srivastava, Technical Officer (T-5),
Plant Animal Relationship Division,
Indian Grassland and Fodder Research Institute,
Gwalior Road, Jhansi (U.P).

.....Applicant

(By Advocates: Sri A.D. Prakash/Shri A.K. Dave)

Versus.

1. Union of India through Secretary Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. Director General Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, Indian Grassland and Fodder Research Institute Gwalior Road, Jhansi (U.P).
4. Dr. S.S. Kundu, Head of Division, Plant Animal Relationship Division Indian Grassland and Fodder Research Institute Gwalior Road, Jhansi (U.P).

.....Respondents

(By Advocate : Sri B.B Sirohi/Sri Manoj Kumar)

ORDER

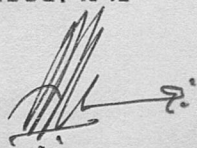
By Mr. Ashok S. Karamadi, Member-J

Heard Sri A.K. Dave, learned counsel for the applicant and Shri Manoj Kumar, learned counsel for the respondents.

2. This Original Application is filed seeking the following reliefs:-

- (i) Quash the impugned orders dated 24.10.2003 and 11.10.2004 and also orders dated 17.3.2005 along with letter dated 29.3.2005 (Annexure No. A-1, A-2, A-2A).
- (ii) Direct the respondents to convene review assessment committee to consider applicant's promotion to T-6 in accordance with rules after giving opportunity to the applicant for personal discussion and to furnish work diary for perusal.
- (iii) Direct the respondents to modify the A.A.R Rules to communicate Bench mark for category III Promotion of below very good.
- (iv) Direct the respondents to grant consequential benefit of promotion from due date as per Rules.
- (v) Issue any other order or direction to the respondents as deemed fit under the fact and circumstances of the applicant's case"

2. When the matter is pending, respondents have passed an order on 09.01.2006 in which the applicant has been promoted w.e.f. 1.1.2005. It is



(11)

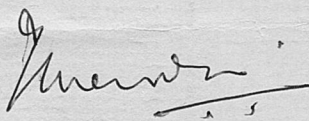
annexed by the applicant in the rejoinder and also contended by the respondents to that effect and in that view of the matter, learned counsel for the applicant states that still grievance of the applicant subsists for consideration. Learned counsel for the respondents submits that the O.A. does not survive for consideration.


3. Having regard to the fact that the respondents have considered the case of the applicant for promotion and sought for dismissal of the O.A., on perusal of the facts, it is clear that his case was not considered by the respondents for promotion and accordingly, he sought direction to the respondents for holding the review DPC to consider his promotion that being so, respondents, during the pendency of the O.A., have passed the order on 9.1.2006 after taking into consideration the grievance of the applicant.

4. In that view of the matter, we find that there is no justifiable ground in continuing this O.A. and accordingly, we heard the matter. At this stage, learned counsel for the applicant states that this will not come in way against the order dated 9.1.2006, therefore, he seeks protection of the Court for giving liberty to the applicant in agitating the matter before the appropriate forum. We think that the O.A. may be dismissed as having become infructuous, however, liberty be given to the applicant to agitate the matter before the appropriate forum.

4. Accordingly, the O.A. is dismissed having become infructuous with liberty to the applicant to agitate the matter before the appropriate forum.

No costs.


Member-A


Member-J

Manish/-