

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD**

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**Original Application No. 810 of 2005**

**Allahabad, this the 19<sup>th</sup> day of October, 2010**

**Hon'ble Mr. Justice S.C. Sharma, Member (J)  
Hon'ble Mr. D.C. Lakha Member (A)**

Ishwar Chand Sharma, aged about 57 years, Son of Shri Hari Chand Sharma, resident of 4/315, Balu Ganj, Agra.

**Applicant**

**By Advocate: Mr. R.K. Nigam**

**Vs.**

1. Union of India through General Manager North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Jhansi.
3. Divisional Railway Manager, North Central Railway, Agra.

**Respondents**

**By Advocate: Mr. Durga Prasad Singh**

**O R D E R**

**By Hon'ble Mr. Justice S.C. Sharma, J.M.**

We have heard Mr. R.K. Nigam, Advocate for the applicant and Mr. D.P. Singh, Advocate for the respondent No. 1 to 3, and perused the entire facts of the case.

2. Instant O.A. was instituted for issuing a writ, order or direction to the respondents to release the promotion of the applicant as Grade I in the pay scale of Rs.4500-7000 (RSRP) from the date his junior counterparts were so promoted, with all consequential benefits. Further prayer has also been made seeking consequential benefits w.e.f. 27.09.1999. Learned

*[Signature]*

counsel for the respondents argued that the applicant was given promotion, as claimed by the applicant in the O.A., and now this O.A. does not survive, and same deserves to be disposed of. Learned counsel for the applicant conceded that it is a fact that the applicant was promoted. But, not from the date when his juniors were promoted whereas applicant deserves to be promoted when his juniors were promoted. The applicant was superseded as he was facing a criminal case in the Criminal Court. After acquittal in the criminal case, the applicant was exonerated from the charges framed against him. Under these circumstances, the applicant ought to have been promoted from the date when his juniors were promoted. It is stated that the applicant was promoted but subsequently. Learned counsel for the respondents argued that this prayer of the applicant gives rise to filing of another O.A. and in case applicant has another fresh grievance, then he may file a fresh O.A. But so far as regards to this O.A. is concerned, it does not survive.

3. Under these circumstances, in view of admitted position of learned counsel for the parties, O.A. deserves to be disposed of finally.

4. O.A. is disposed of finally. However, it is provided that in case applicant has any grievance regarding promotion of his juniors or fixation of pay, then he may file fresh O.A. No cost.

  
Member (A)

/M.M/

  
Member (J)