

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**

OA/050/00113/2021

Date of Order :04.05.2021

**C O R A M**

**HON'BLE MR. M.C.VERMA..... JUDICIAL MEMBER**  
**HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER**



1. Bablu Kumar Mahto, aged about 31 years, Male Son of Devnarayan Mahto, resident of Village Murlitol, P.S.- Bachhwara, District-Begusarai. (OT Assistant).
2. Chandan Kumar Ram, aged about 23 years, Male, Son of Lakshman Ram, resident of village- Gajhara, P.S.-Ladaniya, District-Madhubani (OT Assistant).

..... Applicant.

- By Advocate : Shri Dinesh Maharaj.

-Versus-

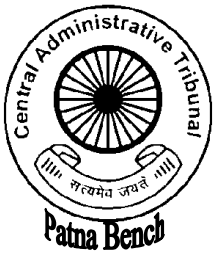
1. The Union of India through the Chairman, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi, Pin Code-110001.
2. The Secretary, Ministry of Railway, Rail Bhawan, New Delhi, Pin Code-110001.
3. The General Manager, Eastern Central Railway, Hajipur, District-Vaishali (Bihar), Pin Code-841101.
4. The Divisional Railway Manager, Pandit Deendayal Upadhyay Nagar, Chandauli- (232101)
5. The Divisional Personal Officer, Pandit Deendayal Upadhyay Division, Chandauli (232101)
6. The Chief Medical Officer, Pandit Deendayal Upadhyay Division, Chandauli (232101)

..... Respondents.

By Advocate :- Shri B.K.Choudhary with Shri D.K. Verma.

**O R D E R | O R A L**

M.C.Verma, Member (Judl.)



1. Instant OA has been preferred jointly by two applicants for extension of their service as OT Assistant. Needless to say that pursuant to notification dated 11.04.2020 issued to meet out Covid situation; applicants were selected as OT Assistant. Their services were extended further till 31.12.2020 and thereafter though service of other similarly situated Para medical staff was extended but the service of applicants were not extended hence is the OA. Interim prayer as has been made in the OA was for direction to the respondents to allow the applicant to resume their respective service.

2. The OA has been admitted and when it came for final hearing, on 23.04.2021 counsel for applicant referring Covid situation and letter dated 15/03/2021 issued by the respondents to appoint some Para Medical Staff to meet out present Covid situation, argued for interim relief/reengagement of the applicants. After hearing the counsel for applicant and respondents at length an elaborate and comprehensive order was passed on 23.04.2021, and Operative portion of said order, which is in Para 8, for sake of brevity is reproduced herein below :-

*“ 8. Having taken note of entirety, particularly the surge of second wave of corona and taking note of present situation of Covid 19, we think that without going into details of merit of the OA qua extension of services of the applicant it will be appropriate at this stage to give ad interim direction relating to re-engagement of applicants. We wish that respondents would consider the case of the applicants for re-engagement at any post of Para Medical Staff to*

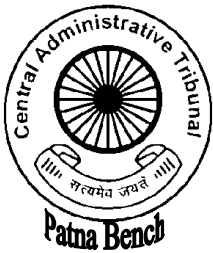
*render help in managing Covid 19 situation and Respondents thus are directed to consider about re-engagement of the applicants within ten days and to intimate about the decision taken thereon on next date for which the case is being adjourned for further hearing. Applicants, if wish may also given representation to the respondents for their re-engagement.”*



3. Today learned counsel for respondents informed that applicant duo has since been re-engaged on the post of OT Assistant, re-engagement is for the period with effect from 25.04.2021 to 30.09.2021 and that a order to this effect has since been passed on 27.04.2021. He submits that in view of re-engagement of both applicants, the OA has lost its sanctity and it may be dismissed.
4. Counsel for applicant do concedes that applicants have been re-engaged on the post of OT Assistant and a order to this effect has been passed on 27/4/2021, however, he simultaneously also submits that Railway Board has passed some order on 30.04.2021, applicants have not received the copy of said order and therefore the effect of that order is not known, the order of the Railway Board may affect the applicants and submitting so learned counsel vehemently opposed the disposal/ dismissal of the OA. He requests that OA may be kept pending so that after receiving copy of the dated 30.04.2021 of Railway Board, applicant, if needed may take appropriate step. Upon specific query whether after re-engagement of the applicants the prayer as has been made in the OA has not become in-fructuous and learned counsel answered that it is true that at present the

Prayer made in the OA has become in fructuous but still the OA needs to be kept pending awaiting to see the affect of the order dated 30.04.2021 of the Railway Board.

5. Considered the submissions made at Bar. When the prayer made in the OA, as conceded by counsel for applicant as well has already has become in- fructuous and applicants have been re-engaged, there is no utility to keep the OA pending. The OA thus is dismissed as in- fructuous. Pending MA, if there is any, also stand disposed of accordingly.



[ Sunil Kumar Sinha ]  
Member (A)

[ M.C. Verma ]  
Member (J)

Pkl/