

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 25th day of August 2003.

QUORUM : HON. MR.JUSTICE R.R.K. TRIVEDI, V.C.  
HON. MR. D. R. TIWARI, A.M.

O.A. No. 1112 of 2000

1. B.K. Pathak S/O Shri C.S. Pathak.
2. B.K. Mishra S/O Shri Veda Nand Mishra.

All are posted as Coach Attendant under C.I.T./E.R/Gaya.  
.....

.....Applicants.

Counsel for applicants : Sri S.K. Dey.

Versus

1. Union of India through the General Manager, Eastern Railway, Calcutta.
2. The Senior Divisional Personnel Officer, E. Rly. Mughal Sarai, Chandauli.....

..... Respondents.

Counsel for respondents : Sri K.P. Singh.

ORDER (ORAL)

BY HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of A.T. Act, 1985, applicants have challenged the order dated 15.9.2000 (Annexure-I) by which the applicants have been posted at some other places as they were surplus as Coach Attendants. Applicants have raised various grounds for challenging the order including that their pay was reduced and the order has been passed without hearing.

2. Resisting the claim of the applicants, respondents have filed counter affidavit. In para 11 of the counter reply it has been stated that there are 11 sanctioned posts of Coach Attendants against which 15 persons were working and thus, four junior persons were required to be adjusted in other departments or elsewhere. As per requirement they were shifted under the impugned order and there was no illegality and arbitrariness as alleged.



3. Shri K.P. Singh submitted that applicant No.1 Shri B.K. Pathak has already been promoted as Assistant Guard and he has joined the post on 27.2.2003. For applicant No.2, it has been s-tated that he has ~~been~~<sup>Y</sup> died during the pendency of this case. He expired on 11.2.03.

4. In view of the above ~~statements~~<sup>affacts</sup>, in our opinion, the O.A. has been rendered infructuous. The O.A. is accordingly dismissed as infructuous.

No order as to cos-ts.

*Dhoni*

A.M.

*U.P.*

V.C.

As-thana/