

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 22nd day of January, 2004.

Original Application No. 1353 of 2002.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. D.R. Tiwari, Member- A.

1. Hari Har Singh Yadav, Senior Diesel Assistant, North Eastern Railway, Varanasi.
2. Surendra Nath Tewari, Shunter, N.E. Rly., Varanasi.
3. Udai Nath, Senior Diesel Assistant, N.E. Rly., Varanasi.
4. Azimullah Ansari, Senior Diesel Assistant, N.E. Rly., Varanasi.
5. Shahabuddin, Senior Diesel Assistant, N.E. Rly., Varanasi.
6. Ram Babu, Senior Diesel Assistant, N.E. Rly., Varanasi.
7. Om Prakash Vishwakarma, Senior Diesel Assistant, N.E. Rly., Varanasi.
8. Ram Adhar, Senior Diesel Assistant, N.E. Rly., Varanasi.
9. Anup Kumar Mukherjee, Senior Diesel Assistant, N.E. Rly., Varanasi.
10. Rama Nand Pandey, Shunter, N.E. Rly., Mau.
11. Jagdish Pandey, Shunter, N.E. Rly., Chapra.
12. Sanjay Nandan Sen Gupta, Senior Diesel Assistant, N.E. Rly., Chapra.

.....Applicants

Counsel for the applicants :- Sri Rakesh Verma

V E R S U S

1. Union of India through the General Manager, N.E. Rly., Gorakhpur.
2. The Divisional Railway Manager (P), N.E. Rly., Varanasi.
3. The Divisional Mechanical Engineer, N.E. Rly., Gorakhpur.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

184

O R D E R

By Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

The O.A has been instituted for the following reliefs :-

- i. To issue a writ, order or direction in the nature of certiorari quashing impugned order dated 17.10.2002 passed by the respondent No. 2 initiating selection on the post of Goods Train Driver in the pay scale of Rs. 5000-8000 in pursuance of which the written examination is scheduled to be held on 10.11.2002, 12.11.2002 and 15.11.2002 at Varanasi at 10.00 AM.
- ii. To issue a writ, order or direction in the nature of mandamus directing the respondent No. 2 to fill-up 12 posts of Goods Train Driver as per the order and direction which may be issued by this Tribunal in the earlier O.A filed by the present applicants being No. 957/2002 Hari Har Singh Yadav and 11 others vs. U.O.I and Ors.
- iii. To issue any other suitable writ, order or direction in the facts and circumstances of the case which this Tribunal may deem fit and proper.
- iv. To award cost of the petition.

2. It has been submitted by the learned counsel appearing for the applicants that the points involved in this case are covered by the judgment rendered in Writ Petition No. 44833/1993. Sri K.P. Singh on the other hand submits that the writ petition has been filed against the judgment of the Tribunal, reliance on which has been placed by the applicant. Hon'ble High Court has passed an interim order to the effect that any promotion/demotion shall be subject to the decision of the writ petition. In para 5.H of the CA, however, it has been stated that main grievance of the applicants relates to seniority and the decision regarding seniority has already

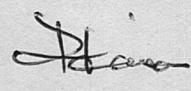
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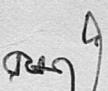
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been taken pursuant to the judgment in O.A No. 957/2002 vide dated 27.03.2003 and, under the circumstances, the ^{subject} O.A has become infructuous, of course, (to the outcome of the writ petition challenging the order and judgment passed by the Tribunal.

3. In view of the facts and circumstances of the case, the present Original Application is disposed of in terms of the judgment and order dated 27.03.2003 rendered by the Tribunal in O.A No. 957/2002 subject, of course, to final decision that may be rendered by the Hon'ble High Court in writ petition No. 44833/2003, ^{which has filed} challenging the illegality of the order dated 27.03.2003.

No costs.


Member-A.


Vice-Chairman.

/Anand/