

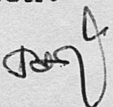
CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1530 of 2002

Allahabad, this the 7th day of January, 2004

Hon'ble Mr. Justice S. R. Singh, V.C.  
Hon'ble Mr. D. R. Tiwari, A.M.

1. Het Singh Yadav S/o Sri Ram,  
aged about 45 years, R/o  
C/o Sri Om Pal Shakaya,  
Ashok Nagar, Maninath,  
Bareilly (U.P.)  
Presently working as Goods  
Attendant (CA) at Kasganj,  
N.E. Railway Station.
2. Masitulla S/o Sri Shaggatulla,  
aged about 45 years, R/o  
C/o Sri Irsad Khan, Mohalla :  
Sayad Nagala, Kasganj,  
Distt. Etah (U.P.)  
Presently working as C.A. on  
Kasganj, N.E. Railway Station.
3. Ram Bhajan S/o Sri Jeevan Lal,  
aged about 48 years, R/o Quater  
No.7/16 H, Railway Colony,  
Jai Ram Mohalla, Kasganj,  
District Etah (U.P. Presently  
is working as C.A. at Bareilly  
City Station.
4. Ramesh Chandra S/o Sri Nathoo Lal,  
aged about 48 years, R/o Mohalla  
Panjayawalla, Soroan, Distt Etah (U.P.).  
Presently is working as C.A. at Bareilly  
City Station.
5. Rajendra Prasad s/o Sri Ram Charan,  
aged about 42 years, R/o Mohalla Pajaya Wala,  
P.O. Soraon, Sukar Region, Distt. Etah (U.P.).  
Presently is working as C.A. at Bareilly City  
Station.
6. Malkhan Singh S/o Sri Nathoo Lal,  
aged about 51 years, R/o Mohalla  
Pajaya Wala, Katra, Soraon,  
Distt. Etah (U.P.). Presently  
is working as C.A. at Station Kasganj.
7. Lal Babu S/o Sri Dukhi,  
aged about 45 years, R/o H. No.62,  
Laxmi Narain Mandir Lane,  
Kuwarpur, Bareilly. Presently is  
working as C.A. at Bareilly City  
Station.





8. Murari Lal S/o Sri Khunni Lal,  
aged about 49 years, R/o Kasganj,  
Distt. Etah U.P. Presently is  
working as C.A. at Station Kasganj,  
District Etah (U.P.).
9. Rajeev Misra, S/o Sri H.C.Misra,  
aged about 44 years, R/o 13, Bungalow  
Choupula Railway Colony, Bareilly.  
Presently is working as C.A. at  
Station Kasganj.
10. Syed Bakar Raza Rizavi S/o Sri Syed  
Imtaz Hussain, aged about 43 years,  
R/o L -3 , Bungalow Choupula,  
Railway Colony, Bareilly.  
Presently is working at Bareilly  
City Station.
11. Ravindra Nath Srivastava,  
S/o Sri Krishan Lal,  
aged about 51 years, R/o Krishna Nagar,  
Prabhat Sadan, Izzatnagar, Bareilly U.P.  
Presently is working as C.A. at Kasganj,  
Railway Station.
12. Tej Ram S/o Sri Gummani Ram,  
aged about 54 years, R/o 166 Civil Line,  
Bareilly. Presently is working as C.A.  
(Bed Role) attached at Kalhigodam,  
District Nainital, Uttaranchal. ....Applicants.

(By Advocate : Shri R.C. Pathak)

Versus

1. Union of India, through General Manager,  
N.E. Railway, Gorakhpur.
2. Divisional Railway Manager,  
N.E. Railway, Izzatnagar Division,  
Bareilly.
3. Senior Divisional Personnel Officer,  
N.E. Railway Izzatnagar, Bareilly.
4. Divisional Commercial Manager,  
N.E. Railway, Izzatnagar, Bareilly. ....Respondents.

(By Advocate : Shri K.P.Singh)

O R D E R

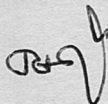
By Hon'ble Mr. Justice S.R.Singh, V.C. :

Heard counsel for the parties and perused the  
pleadings.

....3.



2. The applicant, who had been working as Coach Attendants were declared surplus and under the scheme of absorption. They were required to appear for screening test with a view to enabling authorities to absorb the applicants suitably, impugned order dated 02.12.2002 issued by D.R.M. (P), Izzatnagar, The Chief Ticket Inspector/T.C./Kashganj and Station Prabandhak Kathgodam were requested to relieve the applicants with a view to enabling them to appear in the screening test on 04.02.2002. Consequent upon the said letter the applicants were relieved as stated in paragraph 24 of the C.A. that they appeared for screening at Work-shop and there after the applicants absconded without any prior permission. However, the C.W.M./Workshop-Izatnagar issued result of screening test on different dates as stated in CA and applicants no.1,4,5,6,7,8,9,11 and 12 were absorbed in work shop Izatnagar after receiving their willingness. Applicant nos. 2 and 3, it is further alleged in the CA gave their option for absorption in signal department and accordingly they have been absorbed in Signal Department while applicant No.10 has been selected as Diesel Assistant and is under training at S.T.S./Gonda. The impugned order, which in fact is a letter, has, thus outlived its utility and if at all the applicants aggrieved by any order, it is the order by which they were consequently absorbed. The application seeking issuance of direction in the nature of certiorari quashing the order dated 02.12.2002 has thus been rendered infructuous and the other relief seeking issuance of direction in the nature of mandamus commanding the respondents not to transfer and absorb the petitioners in Izatnagar work-shop has also been rendered infructuous.

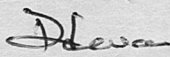


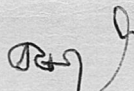


3. In view of the facts that applicants, as stated (supra), have already been absorbed, the counsel for the applicant submits that this application may be dismissed as not pressed with a liberty to the applicant to file a fresh application if so advised, challenging the illegality or otherwise of their absorption.

4. In the circumstances, therefore, the application is dismissed without prejudice to their rights, if any, to file fresh O.A., if so advised, challenging their absorption.

No costs.

  
Member A

  
Vice-Chairman

Brijesh/-