

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR.A.K. GAUR , MEMBER (J).

Original Application Number. 735 OF 2007.

ALLAHABAD this the 05th day of December, 2008.

Mohd Azam Khan, Son of late Badruddeen Khan, resident of House No.60-A/58-A/214 Khawaspura SaraiKhwaja Nai Abadi, Agra.

.....Applicant.

VERSUS

1. Union of India through its General Manager, North Central Railway, Allahabad.
2. Additional Divisional Railway Manager, North Central Railway, Jhansi.
3. Divisional Railway Manager (Personal) North Central Railway, Jhansi.

.....Respondents

Advocate for the applicant: Sri R.K. Shukla

Advocate for the Respondents : Sri Amresh Singh

ORDER

Attention has been invited by the learned counsel for both the ~~parties~~ *parties* to para 3 of the Counter Reply, which reads *as follows* —

"..... keeping in view the aforesaid facts as well as grievance of the applicant, the competent authority has already decided to post the applicant in the Engineering Department on the post of Carpenter, when the clear vacancy in the department will be available. It is pertinent to mention here that in the month of July 2008 on account of retirement, the post of Carpenter is going to be vacated against which the applicant would easily be posted, therefore, the claim of the applicant is in the present petition will be infructuous, hence the present Original Application is liable to be dismissed being infructuous."

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(11)

2. In view of the averments made in the para 3 of the Counter Reply (quoted above), I am satisfied with the arguments put forth by the learned counsel for the applicant.

3. Accordingly the competent authority is directed to consider the case of the applicant for his posting as Carpenter in the Engineering Department. For convenience, the applicant is directed to prefer a detailed and comprehensive representation within ten from today before the concerned competent Authority and the said authority shall consider and decide the same by a reasoned and speaking order with regard to his posting as Carpenter in the Engineering Department taking into account the averments made by the respondents in their Counter Reply (quoted above) as well as meeting all the contentions raised by the applicant in his representation, within a period of three months on receipt of certified copy of the order and communicate the decision to the applicant forthwith.

4. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be noted that I have not passed any order on merits of the case.

Anand
MEMBER - J.

/Anand/