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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO. 899 OF 2007

ALLAHABAD THIS THE 02nd DAY OF April, 2008

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MR. N.D. DAYAL, MEMBER-A

Purshottam Lal, aged about 38 years, S/o Sri Ram Das, R/o Qr. No. 1/B, South Colony, Near Railway Station, Fatehpur. U.P., presently posted as Section Engineer/Works/Fatehpur, N.C.R., Fatehpur.

.....Applicant

(By Advocate Shri S. Narain.)

V E R S U S

1. Union of India through General Manager, North Central Railway, Allahabad.
2. The D.R.M., N.C.R., Allahabad.
3. The Principal Chief Engineer (Engineering Department), N.C.R., Allahabad.
4. The Sr. Divisional Engineer (Coordination) (Engineering Department), N.C.R., Allahabad.
5. The D.R.M. (Personnel)/ Sr. Divisional Personnel Officer, N.C.R., Allahabad.
6. The General Manager (Administration), National Highway Authority of India (Ministry of Shipping Road Transport and Highways), G-5 and 6, Sector 10, Dwarka, New Delhi.

.....Respondent

(By Advocate: Sri D.P. Singh and Sri S. Singh.)

O R D E R

Justice A.K. Yog, Member-J

Heard Sri S. Narain, learned counsel for the applicant, Sri D.P. Singh, Advocate on behalf of

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respondent nos. 1 to 5 and Sri S. Singh on behalf of respondent no.6.

2. The main relief as well as interim relief claimed in this O.A. read :

"{a} Issue a suitable order or direction quashing and setting aside the impugned communication/order dated 23.8.2007 (Annexure A-1 to Compilation No.1) issued under the signature of the Assistant Personnel Officer, on behalf of the DRM, NCR, Allahabad.

{b} Issue a suitable order or direction commanding the respondents to immediately relieve the applicant from his present post of Section Engineer/Works /NCR, Fatehpur, to enable him to join duties on the deputational post of Manager (Technical) under the NHAI, New Delhi.

9(a) That this Hon'ble Tribunal be pleased to stay the effect and operation of the impugned communication/order dated 23.8.2007 (Annexure No. A-1 to Compilation No.1) issued on behalf of the DRM, NCR, Allahabad whereby the respondents have refused to relieve the applicant to join duties on the deputational post of Manager (Technical), NHAI, New Delhi and be further pleased to direct the respondents to inform the NHAI that the candidature/appointment of the applicant on the post of Manager (Technical) NHAI may not be cancelled on the basis of the communication dated 23.8.2007."

3. We need not burden of our order reproducing the facts arisen from the pleadings of the parties. In the instant case, the contesting respondents have filed Counter and Supplementary Affidavits.

4. The learned counsel for the applicant has referred to interim order dated 16.11.2007 passed by Division Bench of this Tribunal. It is ^{an} ^{well} considered long interim order. The relevant extract of interim order read:

"From the impugned order, no specific reason for such an action by the Railways could be discerned. The applicant relied upon the initial consent of the Railways and on the

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very same basis, the NHAI had considered the applicant and on the basis of the merit the applicant has been selected for deputation. There being no compelling circumstances, the impugned order prima-facie appears illegal and the applicant has thus made out a case. The applicant would be put to irreparable loss in case interim relief as prayed for is not granted. Balance of convenience is in favour of such an order being passed as the NHAI is also handicapped with the restraint order and the applicant not being allowed to join. As such, by this order, the respondents (Railways) are directed to relieve the applicant within a week from the date of communication of this order and the NHAI shall entertain the applicant. This order shall continue till the disposal of the case. In case the Railways have sufficient material to justify their order dated 23.8.2007, they may move an application for vacation of stay, but the same shall be after the applicant has been relieved within the time calendared above. Respondents are also directed to file Counter within three weeks. Rejoinder, if any, be filed within two weeks thereafter. List the case on 9.1.2008."

5. In view of the aforesaid quoted interim order, the respondents took steps and passed the order which have satisfied the claim of the applicant made in this O.A. In view of it, the learned counsel for the parties drew our attention towards para 5 and 6 of the Supplementary Counter which read:

- "5. That in the above noted case the direction which was given by the Hon'ble Court is well complied with by the official respondent, the claims of the applicant has been accepted by the authority concerned.
- 6. That by the direction of the Hon'ble Court the applicant is released for joining NHAI on deputation by the authority concerned."

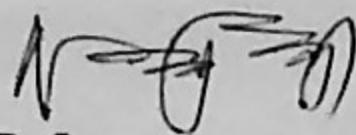
6. Sri S. Narain, Advocate, representing the applicant submits that he has instructions not to pursue the relief claimed in this O.A. at this stage in view of the above stand taken by the respondents.

7. In view of the O.A. is decided finally with observation that any action taken by the respondents in

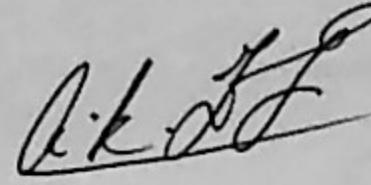
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pursuance of the aforementioned interim order passed by this Tribunal, shall not be prejudiced and to that extent the status of the applicant shall remain unaffected. No costs.



MEMBER-A



MEMBER-J

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