

Serial No. of Order	Date of Order	Order with Signature
6	15-4-97	<p>This is a 1992 matter in which on the first date, i.e. on 26.8.1992 stay was granted. Thereafter five years have gone and the matter has not come up and the pleadings have not yet been completed. Counter has not been filed.</p> <p>2. The short facts of this case are that the applicant was appointed as Junior Engineer on 21.10.1986 under Central Water Commission and posted to Kesinga under Mahanadi Division, Burla. He was confirmed in the post of Junior Engineer on 21.10.1988. According to the applicant, he along with twenty-four others was promoted to the post of Assistant Engineer on the recommendation of the Departmental Promotion Committee in order dated 13.5.1991 (Annexure-1). In this order, a condition was mentioned that the promotion was subject to the decision of the Central Administrative Tribunal, Calcutta Bench, in the case filed by Ex-Farraka Project Employees and would also be subject to the result of appeal pending in the Hon'ble Supreme Court of India in S.L.P.No.7166/88 filed by Nageswar Prasad and others. Subsequently, the applicant was ordered to be reverted by order dated 31.7.1992 (Annexure-2). The applicant's name appears at serial No.50 of this order in which he was transferred from his existing post at Mahanadi Division, Burla, to the office of Chief Engineer(North East), Shillong, to his earlier rank of Junior Engineer. The applicant without getting this order came and filed the Original Application and obtained a stay and presumably by virtue of the stay, is continuing as Assistant Engineer. Even though</p>

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Contd.....	<p>counter has not been filed, the learned Senior Standing Counsel, appearing on behalf of the respondents, has filed certain documents on the basis of which it has been submitted by him on 10.4.1997 that the application has become infructuous. In the appeal filed by Nageswar Prasad and others, the Hon'ble Supreme Court have upheld the quota of 50% among the posts of Assistant Engineer to be filled by Diploma-holders. In accordance with the order of the Hon'ble Supreme Court in the above case, the Central Water Commission have issued order dated 5.4.1995 in which against entry no.93 the applicant has been promoted to the post of Assistant Engineer with effect from 28.11.1990. As such, the present application has become infructuous. The learned lawyer for the applicant has not appeared on the last two occasions in spite of fixing the case for peremptory hearing. Therefore, as the application has become infructuous, the same is dismissed without hearing the learned lawyer for the applicant.</p> <p style="text-align: right;">J. J. M. VICE-CHAIRMAN 15/4/92</p>		