

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 626 OF 1992.

Cuttack, this the 15th day of July, 1999.

B. Jani.	Applicant.
	-versus -	
Union of India & Others.	Respondents.

(FOR INSTRUCTIONS)

1. whether it be referred to the reporters or not? *Yes,*
2. whether it be circulated to all the benches of the Central Administrative Tribunal or not? *NO*

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

15.7.99

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 626 OF 1992.

Cuttack, this the 15th day of July, 1999.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE- CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER(JUDICIAL).

...

Shri B. Jani, aged about 39 years,
S/o. Krupasindhu Jani,
At present officiating as the Chief
Booking Supervisor, South Eastern Railway,
Khurda Division, Puri Railway Station
At/Po/Town/Dist. Puri.

... Applicant.

By legal Practitioner : M/s. S.K. Dash, P. R. Panda, B. N. Mohapatra,
S. K. Mishra, Advocates.

- versus -

1. Union of India represented by the General
Manager, South Eastern Railway Garden Reach,
Calcutta-43.
2. Senior Divisional Personnel Officer,
South Eastern Railway, Khurda Division,
At. Khurda Road, Ps. Jatni, Dist. Khurda.
3. Divisional Railway Manager,
South Eastern Railway,
Khurda Division, At-Khurda Road,
Ps. Jatni, Dist. Khurda.

.... Respondents.

By legal Practitioner : Ms. R. Sikdar, Additional Standing Counsel.

....

S. Som.

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, u/s.19 of the Administrative Tribunals Act, 1985, applicant has prayed for a direction to Respondents to adopt the Railway Board's letter dated 20.4.1970 at Annexure-8. The second prayer is for a direction to Respondents to take into account the seniority and longstanding experience of applicant in respect of the post in which he is officiating.

2. Case of applicant is that in order dated 21.12.88 he was promoted to officiate as Chief Booking Supervisor at Puri Railway Station. The Chief Booking Supervisor Cuttack was promoted and posted at Puri in order dated 21.8.1990. According to applicant, this order dated 21.8.90 at Annexure-2, revealed that the posting order of applicant is being issued separately. On 5.9.1990, by virtue of order issued at Annexure-3, applicant was relieved of his substantive post of Chief Booking Clerk. Applicant approached this Tribunal in OA No. 342 of 1990 and in order dated 12.9.90, at Annexure-4, this Tribunal stayed the operation of the order reverting the applicant and the Departmental Authorities were directed to adjust the applicant in any comparable post carrying the same scale of pay in the same Division. Applicant has stated that he has been called upon to appear at a written test (Suppl.) for selection in respect of the post which ~~he~~ is occupying i.e. the post of Chief Booking Supervisor. Applicant has stated that while holding the test, the Departmental Authorities have not indicated how many posts are reserved posts. Applicant has stated that

S. Som.

in accordance with the Railway Board's Circular dated 20.4.1970, at Annexure-8, manner of reservation particularly the percentage of reservation has been laid down. Applicant belongs to ST and he wants a direction that this circular of the Railway Board at Annexure-8, should be followed. In the context of the above facts, he has come up with the prayers referred to earlier.

3. Respondents, have filed counter and indicated that the applicant's service has been regularised in the post of Chief Booking Supervisor in the scale of pay of Rs. 2000-3200/- w.e.f. 1.3.1993 by order dated 19.3.1993, after considering the seniority of applicant and his long standing experience with regard to officiating post. A copy of the order has been annexed at Annexure-R/1. In view of this, Respondents have opposed the prayer of applicant.

4. Today, when the matter was called, learned counsel for applicant or his associate was not present. Nor any request was made on his behalf seeking adjournment. As this is a 1992 matter where pleadings have been completed long ago, it is not possible to give adjournment and drag on the matter indefinitely. In view of this, we have heard Ms. R. Sikdar, learned Additional Standing Counsel appearing for the Respondents and have perused the records. From the pleadings of the parties we find that the applicant has already been regularised in the post of Chief Booking Supervisor as early as March, 1993. His prayer in the application is that the Railways should be directed to follow the Circular at Annexure-8 with regard to reservation of ST and SC candidates for the post of Chief Booking Supervisor. As the post has

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already been filled up and applicant has been adjusted, this prayer has, by now, become infructuous. In any case, Recruiting Authorities i.e. Respondents are obliged to follow the subsisting orders of the Railway Board and for this, no direction from this Tribunal is necessary. Respondents have also mentioned in their counter that they have taken note of seniority and long standing experience of applicant while giving him the post which is also another prayer that his seniority and experience should be taken into consideration.

5. In view of the discussions made above, we held that the application has already become infructuous and therefore, this original Application is disposed of for having become infructuous. No costs.

become infructuous
P. Som.

(G. NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN
15.7.99

KNM/CM.