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O.A. No. 643/05

ORDER DATED 14th AUGUST, 2008

Coram:

Hon'ble Shri Justice K. Thankappan, Member (J)
Hon'ble Shri C.R. Mohapatra, Member (A)

This Original Application has been filed with the following prayers:-

“ It is prayed that this Hon'ble Tribunal may kindly be pleased to admit the case and issue notice to the opposite parties to show cause as to why the case of the applicant shall not be allowed.

And after hearing the parties, the case of the applicant be allowed;

And pass necessary order by directing the respondents to give promotion to the applicant in the post of Sr. Goods Guard w.e.f. 08.08.01 and alongwith all other consequential benefit;

And/or in alternate a direction be given to the respondents to consider the case of the applicant to the post of Sr. Goods Guard from the date of similarly placed employee got promotion and all other consequential benefit;

And/or pass any other order(s) which deems fit and proper for adjudication of this case;”

2. After the admission of the Original Application notice was already issued and a counter has been filed by the Respondents and when the case came up for hearing today, the Ld. Counsel for the Respondents, Mr. O.N. Ghosh drew the

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attention of the Tribunal to Annexure-R/2 dt.20.02.06. It is specifically stated therein as follows:

“Sub: Result of suitability test for promotion to the post of Sr. Goods Guard in Scale Rs.5000-8000/- RSRP.

The following is the result of suitability test held on 15.02.2006 for promotion to the post of Sr. Goods Guard in Scale Rs.5000-8000/- RSRP.

Sl. No.	Name	Design.	Station	Result
1	Sri Gupteswar Bag (SC)	Goods Guard	BNDM	SUITABLE

N.B:

1. The name of Sri G. Bag was earlier deleted erroneously from the list of S. Test held on 18.08.01 on account of punishment of stoppage of increment with C.E. However consequent upon slight change of punishment from CE to NCE by Hon'ble CAT/CTC in O.A. No.356/01 he was called for S. Test.
2. His seniority will be reckoned from the date his immediate junior Sri R.C. Tanty (SC) Goods Guard/BNDM and his name will be interpolated at Srl. No.99A in the seniority list published vide this office letter No.E/Optg/Seniority list/2002 dated 17.09.2002.
3. His promotion to the post of Sr. Goods Guard will be on notional basis from the date of his being free from punishment and actual benefit will be given from the date of his shouldering of higher responsibility.”

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3. In the above circumstances, all the grievances now projected in the O.A have already been redressed by the Respondents. Hence this O.A has become infructuous.

4. Accordingly, this Original Application is dismissed as infructuous.

Member (A)

Kappan
MEMBER (J)