

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 501 of 2008
Cuttack, this the 3rd day of March, 2009

Madhu Sudan Behera & Anr. Applicants
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?


(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)


(C.R. MOHAPATRA)
MEMBER (ADMN.)

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C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

1. Shri Madhu Sudan Behera, aged about 32 years, S/o.Late Jagabadnhu Behera of Village Mulama Nagar, PO. Rana Sahi, Chandipur, Dist. Balasore.

2. Sri Tokan Biswal, aged about 42 years, S/o. Late Kulani Biswal, Village Balisahi, PO. Balilkuda, Dist. Jagatsinghpur.
.....Applicant

By Advocate : M/s.A.S.Nandy, O.N.Ghosh, G.Das.
- Versus -

1. Union of India represented through Directorate General of E.M.E (Civil-2)Master General of Ord Branch, Integrated Head Quarter, Ministry of Defence (Army), District Head quarter, Post Office-New Delhi-110105.

2. Record Officer of Electronic Mechanical Engineering, Records (Civil-1), Secunderabad-21.

3. Deputy Director (EME Br.), Head quarter Madhya Bharat, Area Jabalpur (Madhya Pradesh).

4. Office Commanding, Station Workshop, E.M.E, Balasore, Chandipur-756025, Dist. Balaosre.

....Respondents

By Advocate : Mr.R.C.Behera.

O R D E R

Per- MR. C.R.MOHAPATRA, MEMBER (A):-

Applicants in this Original Application challenge the decision of the Respondents to fill up two posts of Fitter by other methods when they are eligible and entitled to be considered for promotion to the said posts. By producing copy of the letter dated 23rd December, 2008 through counter as Annexure-R/3 it

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has been brought to the notice of this Tribunal by the Respondents that the posts to which the Applicants intend to be promoted are no more in existence as the order releasing the vacancies has been withdrawn in the meantime. The said order under Annexure-R/3 has not been challenged by the Applicants in this OA. However, the aforesaid order under Annexure-R/3 was the subject matter of challenge in OA No. 87 of 2009 but this Tribunal did not interfere in the said order being a policy decision of the Government.

2. In view of the above, we are of the firm view that there remains nothing further to be adjudicated in this OA. Hence, this OA stands dismissed. No costs.

K. APPAN
(JUSTICE K. THANKAPPAN)

MEMBER (JUDICIAL)

C.R. MOHAPATRA
(C.R. MOHAPATRA)
MEMBER (ADMN.)