

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

10

Date of order : 01.10.1999

O.A.NO. 432/1995

Laxman Prasad Sharma S/o Shri Suraj Lal Sharma aged 40 years, Permanent Way Mistry under Deputy Chief Engineer (Const.), Northern Railway, Bikaner, presently working at Jaisalmer, R/o Suraj Bhawan near adult education bhawan, Old Ginani, Bikaner.

.....APPLICANT.

VERSUS

1. Union of India through General Manager Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner.
3. Chief Administrative Officer (Const.), Northern Railway, Kashmiri Gate, Delhi.
4. Deputy Chief Engineer (Const.), Northern Railway, Bikaner.
5. Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.

.....RESPONDENTS.

Present :

Mr. Y.K. Sharma, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

CORAM :

HON'BLE MR. A.K. MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER MR.A.K.MISRA :

(11)

The applicant has filed this Application with the prayer that the respondents be directed to regularise the ad hoc services of the applicant as Permanent Way Mistry in the grade of Rs. 1400-2300.

2. Notice of this O.A. was given to the respondents who have filed their reply denying the claim of the applicant for regularisation.

3. During the pendency of the O.A. the applicant was declared suitable in the written test for promotion to the post of Permanent Way Mistry in the grade Rs. 4500-7000 (RPS) and was imparted training as per rules. After successful completion of the training, the applicant was granted promotion vide respondents order dated 10.9.1999, a photo copy of which was presented before us today at the time of hearing.

4. Since the applicant has been granted regular promotion after organising the trade test and imparted training, therefore, the prayer of regularisation of the applicant on the said post does not survive because at the time of moving the O.A the applicant was working as Permanent Way Mistry on local arrangement basis only. He had his lien on the post of Gangman and thus denied regularisation.

5. Now the applicant stands regularly promoted on the post of Permanent Way Mistry, therefore, in our opinion, the present O.A. has become infructuous.

6. The O.A. is, therefore, dismissed as having become ~~expenditure~~ infructuous. The parties are left to bear their own costs.

Gopal Singh  
(GOPAL SINGH)

Adm. Member

21/10/99  
(A.K.MISRA)  
Judl. Member