

E/D

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

ORIGINAL APPLICATION NO. 192/2004

Date of order: 30.01.2006

CORAM:

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

Nachiketa S/o Sh. Bhanwar Lal aged about 52 years, working as E.S.M. Khallasi under Junior Engineer Sig/East, Jodhpur. North-West Railway, Jodhpur, R/o Gahlotan Ka Bas, Magra-Punjla, Jodhpur.

.....Applicant.

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

VERSUS

1. Union of India through General Manager, North-West Railway, Jaipur.
2. Junior Engineer, Signal/East, North-West Railway, Jodhpur.

.....Respondents.

(Mr. Manoj Bhandari, Counsel for the respondents.)

ORDER

Mr. J.K. Kaushik, Judicial Member

The Original Application No. 192/2004 has been filed by the applicant with the prayer that his leave for the period from 29.9.2003 to 1.10.2003 may be sanctioned and his representation may be decided through a speaking order.

2. At the very outset, the learned counsel for the respondents has submitted that the due leave was already sanctioned to the applicant and an annotation to this effect has been reflected in Annex. R/1. He has also submitted that there is an averment in the reply that the same was got noted to the applicant. He has also contended that even if there is some communication gap, the fact remains that the leave has been sanctioned and the applicant has been paid his all dues for the period of leave and, therefore, this Original Application has rendered infructuous calling for no adjudication. The learned counsel for the applicant has strived hard to submit that the applicant was never informed about the sanction of the leave, however, he has not disputed that the due leave salary was paid to the applicant. He has next contended that had the applicant's representation been decided through a speaking order, he had some other grievances relating to non-appearance of in the examination held for the post of ESM Grade-III and he would have been in a position to challenge the same.

3. I find that the submissions made by the learned counsel for the applicant in this regard have no proximity with the instant case. I am of the firm opinion that the Original Application has rendered infructuous and submissions made on behalf of the respondents have my concurrence.

4. In the Premises, the Original Application stands dismissed as having become infructuous. It is scarcely necessary to mention that if the applicant has any grievance as being felt by him as noticed above, this order will not come in his way in any manner. No Costs.

J.Kaushik
(J.K.Kaushik)
Judicial Member

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~~Block 9
S/1315106
31.01.14~~
RCC
S/1315106
31.01.14

Part II and III destroyed
in my presence on 03/01/14
under the supervision of
Section Officer () as per
order dated 31.01.14

Signature
Section Officer (Record)

3/4/14