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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 102/2006

DATE OF ORDER : JANUARY 10TH, 2008.

CORAM :

HON'BLE MR. JUSTICE A.K. YOG, MEMBER (JUDICIAL)

HON'BLE MR. R. R. BHANDARI, MEMBER (ADMINISTRATIVE)

Liyakat Ali S/o Shri Babu Khan aged about 54 years, resident of Opp. Gersaria Maszid, Fad Bazar, Bikaner, at present working as Head Clerk in Branch, North West Railway, DRM Office, Bikaner.

....Applicant.

By Mr. Y.K.Sharma, Advocate, Counsel for applicant.

Versus

1. Union of India through the General Manager
North West Railway, Jaipur (Raj).

2. Divisional Personnel Officer,
North West Railway, Bikaner.

.....Respondents.

By Mr. Vinay Chhipa, Adv. holding brief of
Mr. Manoj Bhandari, Advocate, for respondents.

**ORDER
[PER JUSTICE A.K.YOG, JUDICIAL MEMBER]**

Advocate

Heard Shri Y.K.Sharma, on behalf of applicant and Mr. Vinay Chhipa advocate, holding brief of Mr. Manoj Bhandari, advocate, counsel for respondents.

Learned counsel for the parties drew our notice to the order dated 9.5.2006 passed by a Single Member Bench of this Tribunal; relevant extract whereof is quoted below :-

"..... It is, therefore, directed that any selection / promotions made in pursuance with the modified notification dated 17.04.2006 (Annexure A/1) shall be subject to the outcome of this O.A. and the factum of filing of this O.A. shall be annotated on each communications thereof."

Am

Our notice is also drawn to Para 9 of present O.A. No. 102/2006, wherein applicant has referred to an order dated 25.1.2006 passed by Two Member Bench of this Tribunal (in OA No. 33/2005) and other connected OA No. 110/2004; relevant extract reproduced for convenience :-

"At the outset, learned counsel for the respondents has filed a copy of order dt. 29.11.2005 in O.A. No. 1173/2004 of C.A.T., Principal Bench, New Delhi, in the case of All India Equality Forum & Others Vs. UOI & Ors, stating that the issue raised in the present O.As' is the same as in that O.A. The Tribunal after taking into consideration the full Bench Judgement of the C.A.T. Rendered on 10.8.2005 in O.A. No. 933/2004 (P.S. Rajput & Two Others Vs. UOI & Others) as well as in O.A. No. 778/04 (Mohd. Niyazuddin & 10 Ors. Vs. UOI & Ors.) and also the SLP (Civil) No. _____/2005 arising out of judgment and order dt. 03.03.2005 in CWP No. 3182/2005 decided by the Hon'ble High Court of Punjab and Haryana, Chandigarh and other connected SLPs (c) No. 14550 of 2005, 13209 of 2005, 13125-13137/2005, disposed of the O.A. with the direction that the judgment to be rendered by the Hon'ble Apex Court in the aforesaid SLPs would be binding upon the parties therein also. Learned counsel for both the sides herein agree that the present matters be also disposed of on similar lines. Ordered accordingly. However, it is directed that respondents would not take any action in terms of Para 14 of the Restructuring Scheme issued vide RBE No. 177/03 till the decision in the SLPs is available. These O.As' stand disposed of accordingly. No costs."

^{On Full}
~~The~~ text of the aforequoted order is also annexed with the O.A. as Annexure A/3.

The above quoted order (which is self explanatory), was passed in view of the fact that similar controversy was raised in different OAs by the Principal Bench at C.A.T., New Delhi as well as Punjab and Haryana High Court and other connected matters which were challenged by the aggrieved before the Apex Court by filing SLP (Civil) No. 14550/2005 and 13209/2005 etc., it is submitted that these SLPs still pending.

Learned counsel for the parties have joined in making submission that in view of the above circumstances, hearing and decision of the present OA should await final adjudication by the Apex Court as that will be binding on all concerned including ^{by the parties in OA.} this O.A.

Having considered the submission of the learned counsel for the parties including the effect of 'interim order' in the OA (quoted above), we are of the opinion that no good purpose is to be served by the pendency of the O.A.

^{On} ~~and~~ ^{by} Following the order dated 25.1.2006, (Annex.A/3 to the OA), this O.A. is also disposed of ^{at} ^{finally} ^{at} this stage with the observation that same shall not

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prejudice right/s of the applicant in any manner and same shall be subject to the final decision of the Apex Court in the light of the observations made above.

The O.A. stands disposed of ^{in finally} subject to the above observation.

No orders as to cost.

R.R. Bhandari
(R.R. Bhandari)
Admv. Member

A.K. Yog
(A.K. Yog)
Judl. Member

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24/11/08

R/c
Qing Chao
23-01-08

Part II and III destroyed
in my presence on 01/12/14
under the supervision of
section officer (1) as per
order dated 19/8/14
Section officer (Records)