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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.**

Original Application no. 267/2007

Date of decision: 17.07.2008

Hon'ble Mr. M.L. Chauhan, Judicial Member.

Hon'ble Mr. B.L. Khatri, Administrative Member.

Brij Mohan Rathore, (B.M. Rathore) S/o Shri Dil Sukh, aged 57 years, working on the post of Assistant Post Master, Head Post Office, Chittorgarh, r/o 18-D Panchwati, Chittorgarh.

: applicant.

Rep. By Mr. Vijay Mehta, Counsel for the applicant.

VERSUS

1. Union of India, through the Secretary to the Government Ministry of Communication (Dept. of Posts) Sanchar Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Rajasthan Southern Region, Ajmer.
4. Superintendent of Post Offices, Chittorgarh.

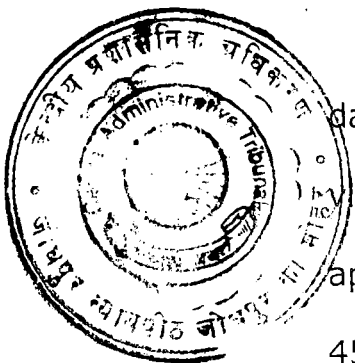
: Respondents.

Rep. By Mr. M. Prajapat, Proxy counsel
for Mr. Ravi Bhansali: Counsel for the respondents.

ORDER

Per Mr. M.L. Chauhan, Judicial Member.

This O.A has been filed by the applicant against the order dated 10.09.2007 (Annex. A/1), passed by the respondent No. 4, in which certain Postal Assistants including the applicant were approved for promotion to LSG (NB) in the scale of pay of Rs. 4500-125-7000, with effect from the date of assumption of charge in LSG (NB) cadre. In the said order against the name of the applicant and one other person under column 'Posting' on



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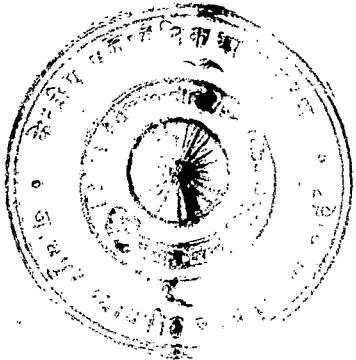
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Promotion' it has been stated that "status quo is to be maintained as per orders dated 12.01.2005 of Hon'ble CAT, Jodhpur". It is this part of the order which is under challenge in this O.A. The applicant has prayed that this part of the direction which stipulate that the applicant has not been posted in LSG (NB) cadre on the ground of maintaining of status quo may kindly be quashed and the respondents may kindly be directed to delete the same and post the applicant in implementation of order Annex. A/1 in the LSG (NB) cadre with all consequential benefits.

2. Notice of this application was given to the respondents. The respondents have filed a detailed reply, whereby the respondents have categorically stated that the order of promotion in respect of the applicant could not be implemented since the order dated 12.01.2005, to maintain status quo, passed in O.A. No. 10/2005 is still in force.

3. It is seen that the applicant herein along with four other applicants have filed O.A. No. 10/2005, wherein this Bench of the Tribunal vide its order dated 12.01.2005, ordered to maintain status quo and the same continued even till today. Therefore, the order of promotion' given to the applicant could not be implemented by the respondents till date.

4. We have heard the learned counsel for both parties and perused the papers very carefully. We are of the firm view that the present O.A is wholly misconceived. It was the applicant, who,



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along with four other persons, procured the status quo order from this Bench of the Tribunal. Once such an order is procured by the applicant which is still in force, the applicant cannot have any grievance about his non posting. Therefore, the present O.A is liable to be dismissed on this ground alone.

5. However, this Bench of the Tribunal, today (17.07.2008) dismissed the O.A No. 10/2005 filed by the applicant and four others and the stay granted by this Tribunal vide its order dated 12.01.2005 also stands vacated. In view of this position the present O.A has become infructuous.

6. Since O.A no.10/2005 has been dismissed by us today and the status quo order has also been vacated, it is needless to state that there will be no impediment for the respondents to implement the order dated 10.09.2007, in respect of the applicant and one other person i.e. Shri R.P. Saxena who is similarly situated as that of the applicant. The O.A is disposed of as above. No costs.


[B.L. Khatri]
Administrative Member

jsv


[M.L. Chauhan]
Judicial Member.



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MJB
22/7/08

~~Kearney~~
~~5/3/11~~

Part II and III destroyed
in my presence on 15/11/08
under the supervision of
section officer (J) as per
order dated 19/8/2014
[Signature]
Section officer (Record)