

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 23/2009
WITH
MISC. APPLICATION NO. 12/2009**

Date of Order: 15.03.2011

CORAM:

**HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Babu Khan S/o Shri Hazari, aged about 52 years, R/o Ward No. 12, D D Colony, Near Guard Running Room Sadulpur, at present employed on the post of Jr. T.E. at Bikaner, N/W Railway.

...Applicant.

Mr. A.K. Kaushik, counsel for the applicant.

Versus

1. Union of India through General Manager, North West Railway, Jaipur.
2. Divisional Personnel Officer, North West Railway, Bikaner Division, Bikaner.
3. Divisional Commercial Manager, North West Railway, Bikaner Division, Bikaner.
4. Narottam Kumar Sharma, Sr. Ticket Examiner, Bikaner Railway Station, Bikaner, North West Railway.

...Respondents.

Mr. Manoj Bhandari, assistant by Mr. Govind Suthar -
- Counsel for respondents No. 1 to 3.
None present for respondent no. 4.

ORDER

(Per Mr. Sudhir Kumar, Administrative Member)

Heard the learned counsel of the applicant as well as the learned counsel for the respondent nos. 1 to 3 and perused the pleadings and records of this case.

2. The learned counsel for the applicant has pressed that even though the respondent-department has passed an order



dated 24.06.2010 subsequent to the filing of the Original Application, which has been produced by them at Annexure R/4 along with the reply written statement, all the reliefs sought for by the applicant have not been provided for in that order. On the other hand, the learned counsel for the official respondents submitted that the main prayers of the applicant, of treating him as senior to the private respondent R-4, and giving him pay scale and seniority and proforma promotion with effect from 24.11.2006, have already been accepted and given effect to by the order dated 24.06.2010, and that none of the reliefs prayed for by him in the Original Application now survive.

3. The learned counsel for the applicant still pressed that he has not been paid the complete arrears, and that all his reliefs have not been catered to by the respondents in the order passed.

4. However, in view of the order passed and produced as Annexure R/4, it appears that the respondents have accepted the main contention of the applicant that he should be given the benefit of seniority vis-a-vis private respondent R-4, and given fixation of pay on notional basis accordingly, ~~has been fulfilled~~, See. and, therefore this Original Application does not survive, as none of the prayers made in the Original Application are now left to be adjudicated upon by this Tribunal.


5. However, it is directed that the applicant may still furnish a representation to the respondent-department in respect of any of his grievances, which may have remained unsatisfied still, and



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that the respondent-department shall pass a reasoned and speaking order on his representation accordingly.

6. In view of this, this Original Application is disposed of at the admission stage itself, with the above observations and directions. The Misc. Application for condonation of delay is also disposed of. There shall be no order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(JUSTICE S.M.M. ALAM)
JUDICIAL MEMBER

kumawat

दिनांक 21/4/16 के आदेशानुसार
वेरिफाई दिनांक 3/6/16
को 10-1-16 के आदेशानुसार ।

अध्यापक प्रशिक्षक
कैम्पस शिक्षक अभिव्यक्ति
जोधपुर नगर पीठ, जोधपुर