

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.185 OF 2011

Monday, this the 3rd day of October, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

Viyyapuri
Chief Commercial Clerk
Southern Railway
Palakkad Junction, Palakkad
Residing at Attathparamba
Pudupariyaran, Palakkad

... Applicant

(By Advocate Mr U.Balagangadharan.)

versus

1. Union of India represented by Chairman
Railway Board
Rail Bhavan, New Delhi
2. The Director (Estt) (NG)
Railway Board
Rail Bhavan, New Delhi
3. The General Manager
Southern Railway
Park Town, Chennai
4. The Senior Divisional Commercial Manager
Southern Railway
Palakkad Division
Palakkad – 678 002
5. The Senior Divisional Personnel Officer
Southern Railway
Palakkad Division
Palakkad – 678 002
6. The Secretary
Department of Personnel & Training
North Block, New Delhi
7. The Senior Personnel Officer
Southern Railway Headquarters
Park Town, Madras

... Respondents

(By Advocate Mrs.Sumathi Dandapani, Senior
Advocate Mr.K.M.Anthru (R1-5 & 7)
Advocate Mr.Sunil Jacob Jose, SCGSC (R-6) .)

The application having been heard on 03.10.2011, the Tribunal on the same day delivered the following:

ORDER

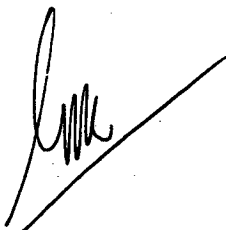
HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant has sought the following reliefs in the OA:

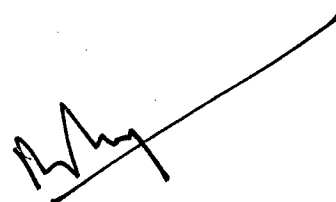
- (i) *Call for the records leading to Annexure A-1 and A-3 and set aside them as legally unsustainable.*
- (ii) *Direct the 3rd respondent to re-draw the integrated seniority list and alert notice of all cadres of commercial clerks for being considered for the post of ACM taking into account 'catch up' principle.*
- (iii) *Direct the third respondent not to rely on Annexure A-6 seniority list for drawing up alert notice as it is stood stayed earlier.*
- (iv) *Declare that the Alert notice appended to Annexure A-1 is not legally sustainable and the third respondent is legally bound to recast integrated seniority list and re-draw the alert notice on the basis of revised seniority list based on the catch up principle annunciated by the Apex Court in various judgments.*
- (v) *Grant such other relief that the Hon'ble Court may feel fit in the facts and circumstances of the case."*

2. Shri Balagangadharan, the learned counsel for applicant seeks permission to withdraw the OA as the applicant has already retired from service and the reliefs as sought for has thus become infructuous. We grant permission as sought for and the OA is dismissed as infructuous without prejudice to the right of the applicant to claim the benefits that is otherwise not barred. No costs.

Dated, the 3rd October, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS