

26. Rajendra Prasad Singh II, S.P. Bahraich.

.... Respondents.

By Advocate: Sri S.P. Singh for R-1.

Sri Pankaj Awasthi holding brief for Sri A.K. Chaturvedi for R-2 to 7.

ORDER (dictated in open court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

This O.A. was filed for the following relief's:-

- “a. To quash the impugned notification of promotion dated 11.2.2004 as contained in Annexure A-1 to the O.A.
- b. to issue suitable orders and directions for holding a fresh DPC strictly in accordance with the law.
- c. to issue order or direction commanding the respondents to grant promotion, to the applicant on the post of Indian Police Services from the date the juniors have been granted.
- d. to direct the respondents to pay the cost of this application.
- e. any other order which this Hon'ble Tribunal deems just and proper in the circumstances so the case be also passed.”

2. Learned counsel for the applicant submits that on account of his promotion given by the respondents from a prospective date all the reliefs except relief 'C', which pertains to the promotion from the date juniors have become infructuous. He therefore submits that this O.A. may be dismissed having become infructuous with liberty to the applicant to file a fresh O.A., if he is so advised in respect of seeking promotion from the date his juniors has been granted. This request, according to him is being made in view of the fact that the main part of this O.A. as well as connected O.A.No.19/2006, have totally become infructuous. Therefore, it would be expedient that he may file a fresh O.A., if he so advised, so that

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there may not be any multiplicity of the facts and pleadings and there may not much confusion.

3. Learned counsel for other side has no objection as far as this request is concerned.

4. Therefore, in view of the above, this O.A. stands disposed of having substantially become infructuous with liberty to the applicant to file fresh O.A., if he so advised in respect of seeking promotion from the date his juniors have been granted. It is also provided that such O.A., if any, may be filed latest by four months. No order as to costs.

S.P.S
12.12.11
(S.P. Singh)
Member (A)

Alok Kumar Singh
(Justice Alok Kumar Singh) 12.12.11
Member (J)

Amit/-