

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.80/2005
This the 08th day of January 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Shiv Shanker Lal, son of Shri Jamuna Prasad, resident of Magdapur village Magdapur, P.S. Mohammadi, Tehsil Gola, Post Magdapur, District Kheri.

...Applicant.

By Advocate: Shri K. Misra holding brief for Shri Manish Jauhari.

Versus.

1. Post Master General Bareilly Mandal, Bareilly.
2. Daak Adhikshak-II, Sub Division Nirakshak Office, Gola Gokarannath, District Lakhimpur Kheri.
3. Daak Adhikshak, Lakhimpur Kheri, District Kheri.
4. Post Master, Magdapur, P.O. Madgapur, District Kheri.
5. Prakhandiya Nirakshak, Post Office Gola, District Kheri.

By Advocate: Shri Atul Dixit holding brief for Dr. Neelam Shukla.

ORDER (Oral)

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

1. Heard Shri K. Misra holding brief for Shri Manish Jauhari, the learned counsel for the applicant and Shri Atul Dixit holding brief for Dr. Neelam Shukla, the learned counsel for respondents.
2. The applicant has filed this O.A. quashing the impugned order Annexure-6 dated 05.08.2004 under which they treated his date of birth as 08.07.1938. He also sought other reliefs to issue directions to

the respondents for continuing him in service and also, other benefits and relief's in the facts and circumstances of the case.

3. The respondents have also filed Counter Affidavit denying the claim of the applicant.

4. At this stage, the applicant counsel Shri K. Misra submits that the matter has become infructuous, since the applicant retired on 07.07.2003. Though, he filed this OA but there is no interim order permitting him to continue in service after superannuation on 07.07.2003 and as such the application has become infructuous and if a direction is given to the respondents for payment of all his retrial benefits the purpose would be served. The learned counsel for respondents has also not opposed such request for consideration of such representations of the applicant and passing the appropriate orders in respect of payment of retrial dues and benefits as per rule.

5. In view of the above circumstances, and more particularly when the learned counsel for the applicant submits that the matter has become infructuous, the OA is disposed of with a direction to the respondents to consider the claim of the applicant for payment of all his retrial dues and benefits as per rules immediately. No order as to costs.


(M. KANTHAIAH)
MEMBER (J)

08-01-2008

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