

(39)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 10.5.1999

OA No.800/92

Prabhu Lal Meena S/o Shri Lallu Ram Meena, Railway Workshop Colony, House No.199-A, Western Railway, Kota.

.. Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Additional Chief Mechanical Engineer (Works), Wagon Repair Workshop, Western Railway, Kota.

.. Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

For the applicant

.. Mr. J.K.Kaushik

For the respondents

.. Mr.S.S.Hasan

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Prabhu Lal Meena, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying therein that his services on the post of Chargeman Grade-B (HS) be regularised from the date of his ad hoc promotion to the said post i.e. 8.12.1983 and that his past services may be counted for his seniority. He has also sought a declaration that no suitability or any other departmental test is necessary in his case since he has rendered five years service on ad hoc basis on the post of Chargeman Grade-B. He has further prayed that any person junior to him may not be given promotion so as to affect his seniority.

2. The matter was earlier heard by a Division Bench comprising of the then Hon'ble Vice Chairman (J) and the then Hon'ble Administrative Member. The then learned Administrative Member came to the conclusion that this application is liable to be dismissed. The then learned Vice Chairman (J) was of the view that it will be unjust to revert a person immediately and to keep the post vacant even if the rights of other parties are not likely to adversely affected. Since there was a conflict of views between the then Hon'ble Vice Chairman (J) and the then Hon'ble Administrative Member, the matter was referred to Hon'ble the Chairman for constituting a larger Bench to resolve the conflict. Ultimately, Mr. Gopal Krishna, Vice Chairman (J), a member of the present Division Bench, was nominated by Hon'ble the Chairman ~~Chairman~~ to hear this application as third member. All the questions formulated by the

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Division Bench have already been answered by the third member.

3. Heard the learned counsel for the parties.

4. The learned counsel for the applicant stated that the applicant has already retired on superannuation from the post of Chargeman Grade-B and the OA ought to be dismissed as having become infructuous.

5. In view of the findings recorded by the third member and in view of the fact that the applicant has already retired from service, we find that this application does not now service for consideration. This application is, therefore, dismissed with no order as to costs.

*Gopal S*

(GOPAL SINGH)

ADM. MEMBER

*Gopal K*

(GOPAL KRISHNA)

VICE CHAIRMAN