

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.34/99

Date of Order : 10.11.99

BETWEEN :

P.Syamsundara Rao

.. Applicant.

AND

1. Union of India, rep. by its General Manager, S.C.Railway, Rail Nilayam, Secunderabad.
2. Divisional Railway Manager, S.C.Rly., Vijayawada Division, Vijayawada.
3. The Sr.Divisional Personnel Officer, S.C.Railway, Vijayawada Division, Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr.K.K.Chakravarthy

Counsel for the Respondents

.. Mr.C.V.Malla Reddy

CORAM :

HON'BLE JUSTICE SHRI D.H.NASIR : VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

O R D E R

)(As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

None for the applicant. Mr.C.V.Malla Reddy,

learned standing counsel for the respondents.

D

.. 2 ..

2. This OA is filed praying for a declaration that the action of the Respondents 2 and 3 in not considering the seniority of the applicant from the date of 25.11.71 and rejecting the same on the ground that he must produce the documental proof to substantiate the claim not considering the applicant's request to nominate any of the officer for verifying the records at Guntur and Vijayawada also without considering the same and keeping the representation pending is illegal, arbitrary against the rules and contrary to the law and for a consequential direction to the respondents 2 and 3 to verify the records and fix the date of joining of the applicant as 25.11.71 with all consequential benefits, of pay and arrears.

3. When the OA was taken up for hearing, the learned counsel for the respondents brought to our notice the submission made by the respondents in para-8 of the reply.

This para-8 reproduced below :-

"It is submitted that the relief prayed for is to fix the date of joining of the applicant w.e.f. 25.11.71 and for consequential benefits. In fact the respondents have already assigned seniority w.e.f. 25.11.71, the date of conferment of temporary status. The applicant's pay was also fixed on proforma basis on the consequential promotions given to him and pay drawn accordingly from February, 1977 onwards".

4. In view of the above, the learned counsel for the respondents submit that the OA has become infructuous.

.. 3 ..

5. No rejoinder has been filed in this OA rebutting the para-8 submission of the respondents. Hence it has to be held that the applicant had received the relief already at the hands of the respondents.

6. In view of the above, the OA is dismissed as infructuous. No costs.



(R.RANGARAJAN)
Member (Admn.)


(D.H.NASIR)
Vice Chairman

Dated : 10th November, 1999
(Dictated in Open Court)


D.H.NASIR
10-11-99

sd