

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

ORDERS OF THE TRIBUNAL

16.04.2009

OA No. 06/2008 with MA 04/2008

*Rejoinder
not filed
S*

None present for applicant.
Mr. Hawa Singh, Counsel for respondents.

Let the matter be listed on 02.07.2009. In the
meanwhile, the applicant may file rejoinder, if any.

[Signature]
(B.L. KHATRI)
MEMBER (A)

[Signature]
(M.L. CHAUHAN)
MEMBER (J)

AHQ

02.07.2009

OA No. 06/2008 with MA 04/2008

Mr. Amit Mathur, Counsel for applicant.
Mr. V.S. Gurjar, Proxy counsel for
Mr. Hawa Singh, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is
disposed.

[Signature]
(B.L. KHATRI)
MEMBER (A)

[Signature]
(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 02nd day of July, 2009

ORIGINAL APPLICATION NO. 06/2008

With

MISC. APPLICATION NO. 04/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Kamal Meena son of Shri H.R. Meena aged about 41 years, resident of C-8, Ashish Vihar, Jagatpura, Jaipur. Presently working as JE II ad hoc in the office of Respondent no. 2.

.....APPLICANT

(By Advocate: Mr. Amit Mathur)

VERSUS

1. Union of India through General Manager, West Central Railway, Jabalpur, M.P.
2. Chief Engineer, West Central Railway, Jabalpur, M.P.
3. Senior Divisional Engineer (Establishment), West Central Railway, Kota Division, Kota.

.....RESPONDENTS

(By Advocate: Mr. V.S. Gurjar proxy to Mr. Hawa Singh)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) Impugned order dated 11.2.2005 may kindly be modified, the name of applicant may also be included in the aforesaid order. The applicant may be promoted on the post of JE II w.e.f. 1.11.03. After making amendment in the aforesaid seniority list Anx. A/5 may further be modified and name of applicant may also be included in the aforesaid seniority list. The applicant may also be granted all consequential benefits with interest.
- (ii) Any other order, if passed by the respondents during the pendency of the OA prejudice to the interest of the applicant and adversely affect his rights may kindly be taken on record by this Hon'ble Tribunal and be quash and set aside.

(iii) Cost of the Original Application be awarded in favour of the humble applicant."

2. The grievance of the applicant is that his name has been wrongly excluded in the promotion order dated 11.02.2005 whereby persons named therein have been promoted to the post of JE II w.e.f. 01.11.2003, as such his name may also be included in the aforesaid office order at appropriate place and he may be granted promotion to the post of JE II w.e.f. 01.11.2003.

3. Notice of this application was to the respondents. The respondents have filed their reply thereby opposing the claim of the applicant. However, today the learned counsel for the applicant has brought to our notice an order dated 25.08.2008 whereby the relief, as prayed for by the applicant, has been granted to the applicant and his name has been included at sl. No. 1-A of the promotion order dated 11.02.2005. The order dated 25.08.2008 is taken on record.

4. In view of what has been stated above, we are of the view that the present OA does not survive, which is accordingly disposed of with no order as to costs.

5. In view of the order passed in the OA, no order is required to be passed in MA No. 04/2008, which is also disposed of accordingly.


(B.L. KHATRE)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ