

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 30.08.2000

OA No.100/97 with MA No.136/2000

Roop Kishore S/o Shri Sukhram at present employed on the post of Gangman, Western Railway, Kota Division, Idgah.

.. Applicant

V e r s u s

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt.), Western Railway, Kota Division, Kota.
3. Assistant Engineer, Western Railway, Kota Division, Bharatpur.
4. Assistant Personnel Officer (III), Western Railway, Kota Division, Kota.

.. Respondents

None present for the applicant

Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

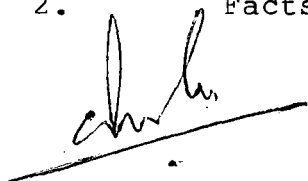
Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. N.P.Nawani, Administrative Member

Applicant, in this Original Application, filed under Section 19 of the Administrative Tribunals Act, prays that respondents may be directed to fix the pay of the applicant and give him seniority at par with his next junior and he may also be considered for promotion, if any, at par with next junior with all benefits admissible under rules.

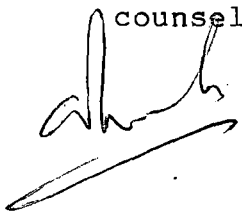
2. Facts, as stated by the applicant are that he was



initially appointed in Kota Division on 22.1.1978 and in 1981 a notice for retrenchment was issued by respondents and his services were terminated. Aggrieved, the applicant filed Writ Petition which got transferred to the Tribunal and was registered as TA No.498/86. Vide its order dated 16.1.1992 (Ann.A1), the notice of retrenchment/termination was set-aside and this Tribunal directed the respondents to take the applicant on duty and pay him all emoluments and benefits admissible under rules. The applicant was taken on duty vide order dated 18.2.1992 (Ann.A2) but the back wages were paid only in the year 1994 after many representations and inspite of his further representations (Ann.A3 and A5) and inspite of letter dated 8.11.1995 issued by the Assistant Engineer, Bharatpur to respondent No.4, the pay fixation in respect of the applicant vis-a-vis his juniors has not been done and his seniority has not been fixed. This has resulted in applicants getting the pay scale of Rs. 775-1025 whereas his juniors are getting the scale of Rs. 800-1150.

3. The respondents have not filed any reply to the OA but in the Misc. Application No.136/2000 filed by them, it has been mentioned that the respondents had passed an order dated 1.3.2000 whereby the applicant has been fixed at Sl.No.89A i.e. above his junior Shri Amar Singh who is at Sl.No.90 and he will get consequential benefits accordingly (Ann.R1). It has also been mentioned in Ann.R1 that the applicant on his promotion has also been given pay scale of Rs. 800-1150.

4. We have perused the material on record and have also heard the learned counsel for the respondents when the case have come up for final hearing on 18.8.2000. The learned counsel for the applicant was given 3 days time to submit his



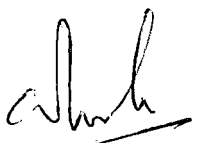
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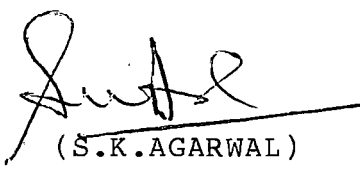
written submissions, if any.

5. On a perusal of Ann.R1 annexed with MA No. 136/2000 filed by the respondents in the OA, it is quite clear that the official respondents have now fixed the seniority of the applicant based on the screening panel No.E/E/891/3 dated 22.10.1981 and his name has been interpolated at Sl.No.89A which is above Shri Amar Singh, his junior. It is also seen that the applicant has been granted the pay scale of Rs. 800-1150 which the applicant had desired to be granted to him in the relief clause of the OA. The applicant having already been given the seniority as well as the pay scale which he had claimed in the OA, no grievance of the applicant remains and the OA has become infructuous.

6. The Original Application is, accordingly, dismissed as having become infructuous. No order as to costs.

MA No.136/2000 also stands disposed of accordingly.


(N.P.NAWANI)
Adm. Member


(S.K.AGARWAL)
Judl.Member