

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A.No. 522/1999

Date: 13.11.2002

Hon'ble Mr. G.C.Srivastava, Member (A)
Hon'ble Mr. M.L. Chauhan, Member (J)

S.B. Chilongia S/o Shri Budhi Chand Chilongia, aged about 45 years, resident of Quarter No. 111/50, C.P.W.D. Colony, Vidhya Dhar Nagar, Jaipur Rajasthan.

(By Advocate: Mr. Kunal Rawat)

Applicant

VERSUS

1. Union of India through the Secretary to the Government Ministry of Urban Development, Nirman Bhawan, New Delhi.
2. The Director General of Works, Central Public Works Department, Government of India, Nirman Bhawan, New Delhi.
3. The Superintending Engineer, (Coordination) Civil, Central Public Works Department, Indra Prasth Bhawan, New Delhi.
4. The Superintending Engineer, Jaipur Central Circle, C.P.W.D., Sector No. 10, Nirman Bhawan, Vidhya Dhar Nagar, Jaipur.
5. Shri Prabhu Dayal, O/o. Superintending Engineer, C.P.W.D. Circle-VI, (D.A.), Vith Floor, M.S.O Building New Delhi.

Respondents

(By Advocate: Mr. T.P. Shama)

O R D E R (Oral)

Hon'ble Mr. M.L. Chauhan, Member (J)

The applicant has filed the present application praying for following prayers:

"(a) By an appropriate order or direction the impugned order dated 20.8.97 (Annexure A/8) be quashed and set aside to the extant of Respondent No.5 is concerned.

(b) By an appropriate order or direction the respondents be directed to promote the applicant on the post of Stenographer Grade-I, with effect from 20.8.97 with all other consequential benefits.

(c) By an appropriate order or direction the Respondents No.2 and 3 be directed to consider the name of the applicant in the D.P.C which is proposed to be ~~sh~~cheduled in the first week of November, 1999 or in near future.


(d) By an appropriate direction the Respondents be directed to decide the dispute of seniority among the applicant and Respondent No.5 on the basis of the record or in all eventualities this Hon'ble Tribunal may call for the records/service books of the applicant and the respondent No.5 and decide the seniority at its own level.

(e) By an appropriate order or direction the Respondent No.4 be directed to take a disciplinary action against the official who was guilty in not sending the desired information to the Respondent No.2 and 3 which has resulted into the humiliation, mental torcher, the financial loss to the applicant.

(f) Cost of this application be also awarded to the applicant, and any other order direction or relief which may be deemed fit in the circumstances be also passed in favour of the applicant."

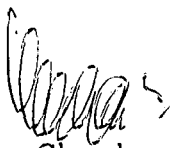
2. The respondents has filed the reply affidavit. In para 14 of the reply affidavit the respondents has made the following averments:

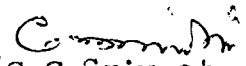
"That the contents of para 4 sub para K are admitted to the extend the matter has been considered by the by the respondent No.2 and the meanwhile the applicant has been considered in the D.P.C. and found fit on the basis of his service records and he has already been promoted as Steno. Gr.I by Respondent No.2 vide Order No. 240 of 1999 issued under letter No.5/24/99.Ec.IVc dated 16.12.99. (copy enclosed and marked as Annexure). Besides, it has been decided by Respondent No.2 to hold a Review D.P.C. as per his actual seniority to consider his suitability for promotion w.e.f. THE DATE WHEN Respondent No.5 was promoted in view of these submissions this application has become infructuous."



3. In view of the stand taken by the respondents, the relief claimed by the applicant does not survive. So far relief No. (A) & (B) is concerned, the respondents ^{as} stated that the respondents have decided to hold a review D.P.C. as per his seniority to consider his suitability for promotion with effect from the date when respondent No. 5 promoted. Regarding relief (c) the applicant has since been promoted vide order dated 16.12.99. So far relief ^{with} regarding seniority is concerned, the respondents stated that pursuant to the objection raised by the applicant to the seniority list dated 7.3.97, ^{that} he has ^{been} given actual seniority and on that basis his case will be considered by the review D.P.C.

4. In view of what has been stated above the present application has become infructuous and does not survive and is accordingly dismissed with no order as to costs. In case the applicant is still aggrieved, liberty is granted to the applicant to approach this Tribunal again.


(M.L. Chauhan)
Member (J)


(G.C. Srivastava)
Member (A)

vtc.