

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 17.08.2004.

Original Application No.103/2003.

Phool Singh S/o Shri Khadak Singh, Aged around 44 years, R/o Gram Sahai, Post Sahai, District Agra, Uttar Pradesh.

... Applicant.

v e r s u s

1. The Union of India through General Manager, Western Railway, Churchgate Mumbai.
2. The Divisional Railway Manager, Western Railway, District, Kota.

.. Respondents.

Mr. P. P. Mathur counsel for the applicant.
Mr. Madhukar Sharma proxy counsel for
Mr. S. S. Hassan counsel for the respondents.

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Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. A. K. Bhandari, Administrative Member.

: O R D E R (ORAL) :

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

"i) impugned order dated 25/28.5.2001 may kindly be quashed and set aside.

ii) That the enquiry proceeding sought to be dropped provisionally in the impugned order dated 25/28.5.2001 may be declared to be dropped permanently and the applicant may be declared exonerated in the said enquiry and may be granted all consequential benefit including regularisation, seniority and promotion on the higher post from the date his juniors were promoted.

iii) That specific direction as has been allowed in the judgement of Anil Kumar and others in Original Application No.246/2001 may also be issued in favour of applicant.

iv) Respondents may be directed to pay full arrear of salary accruing there to in

pursuance to prayer No.1 & 2.

v) Cost of the Original Application may be awarded in favour of humble applicant to the tune of Rs.5000/-.

vi) Any other appropriate order or direction which the Hon'ble Tribunal thinks just and proper in the facts and circumstances of the case even the same has not been specifically prayed for but which is necessary to ensure ends of justice may kindly also be passed in favour of the applicant."

2. Notice of this application was given to the respondents. Respondents in Para 4 (4) of the reply has made the following averments :-

"(4) That the contents of para No.4(4) of the OA are not admitted. It is submitted that the order dated 25/28.5.2001 whereby the applicant has been regularised on the post of Gangman has been superseded by order dated 11.9.2003 by which the applicant has been regularised in C&W Deptt. by allowing him all dues and seniority benefits. For the kind perusal of this Hon'ble Tribunal, a copy of the said order dated 11.9.2003 is enclosed herewith and marked as Annexure R/1. As the order dated 25/28.5.2001 has been superseded vide order dated 11.9.2003 whereby the applicant has been regularised in C&W Department on the post of Cleaner Scale 2550-3200 (RP). It was also ordered therein in the said order that his seniority shall be fixed qua his juniors as per rules and necessary action for payment of arrears on account of promotions and other consequential benefits shall be taken after his joining on the post of cleaner. In this view of the matter, the present OA has become infructuous."


3. Since the impugned order has already been superceded and the respondents have ~~passed~~ ^{passed} fresh order dated 11.9.2003 whereby the service of the applicant has been regularised in C&W Deptt. on the post of Cleaner Scale 2550-3200 and his seniority has already been fixed qua his juniors and necessary action for payment of arrars on account of promotions and other consequential beenfits has also been ordered to be given after the joining on the post of Cleaner, we are of the view that the present application has become

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infructuous. Learned counsel for the applicant submits that the direction may be given to the respondents to implement the order Annexure R/1. Since the respondents have themselves passed the order Annexure R/1, it is expected that consequential benefits accruing from the said order shall also be given to the applicant expeditiously and in any case within three months from the date of receipt of this order. Accordingly, the OA is disposed of.


(A. K. BHANDARI)

MEMBER (A)


(M. L. CHAUHAN)

MEMBER (J)