

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT GWALIOR

Original Application No. 448 of 2004

Gwalior, this the 21st day of June, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Keshav Kumar Kantaria, S/o. Shri
Nihal Singh, aged 48 years,
Occupation - Service, R/o. Jagdish
Colony, Guna (MP).

... Applicant

(By Advocate - Shri S.K. Sharma)

V e r s u s

1. Union of India, through Secretary,
Ministry of Railway, New Delhi.
2. Mandal Rail Prabandhak, Kanyalaya
Karmik Sakha, Bhopal (MP).
3. Station Prabandhak, Railway
Guna (MP).

... Respondents

(By Advocate - Shri S. R. Bade on behalf of Shri H.D. Gupta)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for the parties.

2. By filing this Original Application the applicant has
claimed the following main reliefs :

"(a) that, seniority of the petitioner may kindly be
fixed at Sr. No. 21 in the order Annex. A/6 date
27.5.2002 just below the name of Shri Villore in
published gradation list of the department on 27.5.02
who is at Sr. No. 20 in the list of Senior goods gaurd.

(b) that, petitioner is a senior goods gaurd than
he should be placed with the employees of that category
according to seniority wise not in arbitrary manner to
show below the juniors,

(c) that, in his cader applicant once if placed below
the name of Shri Billore than changing in subsequent
list without just reason is not proper,

(d) that, once petitioner possessing all requisit
qualification to hold the post and his service record
is good even than changing his seniority is not just."

M.P. Singh

3: The brief facts of the case are that the applicant is presently working as a Sr. Goods Guard in the respondents Railways. He was earlier removed from service vide order dated 10.5.1999. The penalty of removal from service was modified by the appellate authority to compulsory retirement and on revision the punishment was again modified to reduction from Sr. Goods Guard (Rs. 5000-8000/-) to Goods Guard (Rs. 4500-7000/-) for a period of 3 years with cumulative effect vide order dated 2.6.2000. During the currency of this punishment the applicant was not considered for promotion in the grade of Sr. Goods Guard (Rs. 5000-8000). The matter relating to his seniority has been now considered by the respondents and it was found that the applicant is entitled for proforma seniority with effect from 23rd February, 1999, i.e. the date from which he was promoted in the higher grade of Rs. 5000-8000/-. His proforma fixation of pay was made with effect from 3.6.2003, i.e. the date on which the punishment was over. Accordingly, the seniority position of the applicant in the seniority list of Sr. Goods Guard dated 27th May, 2002 has been fixed at serial No. 20-A i.e. below Shri Tejram Billore who is at serial No. 20. The applicant is further placed in the seniority of Sr. Goods Guard circulated on 15.9.2004 at Sr. No. 20-A, just below Shri Tejram Billore and necessary orders have been issued on 1.12.2004. Therefore, the relief of the applicant has now been granted and this OA has become infructuous. The learned counsel for the applicant does not oppose it.

4. Since the relief claimed by the applicant has been granted by the respondents vide order dated 1st December, 2004 (Annexure R-II), the present Original Application has become infructuous and is liable to be dismissed as infructuous



