

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT GWALIOR**

Original Applications No 717 of 2004

Gwalior, this the 13th day of September, 2005.

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

Gajendra Singh S/o Shri Shri Umacharan
Aged - 46 years, Occupation - Service,
Presently posted at Rail spring
Karkhana, Gwalior hereinafter Called (RSK)
R/o RSK Colony, sithouli, Gwalior (M.P.)

Applicant

(By Advocate – Shri D.P.Singh)

VERSUS

1. Union of India, Through The Secretary, Railways
Rail Bhawan, New Delhi.
2. The General Manager, Central Railway,
Chhatrapati Shivaji Terminal (CST), Mumbai.
3. The Chief Personnel Officer (Electrical), Central Railway,
Chhatrapati Shivaji Terminal (CST).
4. The Chief Workshop Manager, Rail Spring
Kharkhana (RSK) Sithouli, Gwalior (M.P.)

(By Advocate – Shri Raja Sharma on behalf of Shri V.K.Bhardwaj)

ORDER(Oral)

By M.P.Singh, Vice Chairman –

By filing this Original Application, the applicant has sought the following main reliefs :-

"(i) The respondents may be directed to promote the applicant on the pay scale of Rs.2000-3200(RPS) w.e.f. 1.3.1993 (i.e. prior to the date of promotion of his junior Shri S.G. Orpe) alongwith all consequential benefits.

(ii) The writ of mandamus or any appropriate writ or direction may kindly be issued against the respondent No.3 and

4 to re-fix the seniority of the applicant at proper place according to the service manual.

(iii) The respondents may further kindly be directed to consider the claim of the applicant in respect of future promotion."

2. The brief facts of the case are that the applicant was appointed on the post of Apprentice Mechanic (Electrical) vide order dated 24.6.1985 (Annexure-A-1) and he joined his duties on 31.5.1985. Thereafter, he was promoted as Chargeman 'B' on 16.5.1990. He was further promoted on adhoc basis against the post of JE-I (Electrical) vide order dated 1.10.1991. He was regularized on the said post vide order dated 9.9.1998 w.e.f. 1.6.1996. The applicant has submitted several representations to the respondents requesting them to regularize his appointment with effect from 1.10.1991. On 3.9.2001 respondent no.3 issued a provisional seniority list in which the name of the applicant was placed at serial no.31. The applicant again submitted his representation. The respondents had not considered the same. Thereafter, he had filed an OA No.912/2002 which was disposed of by this Tribunal vide order dated 27.2.2003 with a direction to the respondents to decide the representation of the applicant and pass a speaking order. In compliance to the said order, the respondents have now passed the order on 11.8.2003 (Annexure-A-7). Since the applicant has not been granted the benefit of his regular appointment in the grade of JE from 1991, he has filed this O.A. claiming the aforementioned reliefs.

3. The respondents in their reply have submitted that the directions given by this Tribunal in the earlier OA 912/2002 have been fully complied with by the respondents. After considering the case of the applicant, the respondents have passed the order dated 11.8.2003(Annexure-A-7) and subsequent to that the Divisional Office Personnel Mumbai CST vide letter dated 11.4.2005(Annexure-R-1) has granted the promotion to the applicant w.e.f.1.3.1993 at par with his junior Shri S.G.Opre. The respondents have, therefore,



submitted that the present OA has become infructuous and be dismissed.

4. Heard the learned counsel of both the parties and carefully perused the pleadings.

5. During the course of arguments, the learned counsel for the applicant has submitted that the relief claimed by the applicant have not been granted to him. He has submitted that the respondents have passed an order dated 6.9.2005 (copy produced today) whereby all the benefits accrued to the applicant have been admitted by the respondents and orders have been issued, however, the actual benefits have not been granted to him.

6. On the other hand, the learned counsel for the respondents has submitted that the relief claimed by the applicant has already been granted and this OA has become infructuous and be dismissed accordingly.

7. We have given careful consideration to the arguments advanced on behalf of both the parties.

9. We find that the applicant in this Original Application has prayed for a direction to "promote him on the pay scale of Rs.2000-3200(RPS) w.e.f. 1.3.1993 (i.e. prior to the date of promotion of his junior Shri S.G. Orpe) alongwith all consequential benefits". The respondents in their reply have stated that the applicant has been granted his promotion at par with his junior Shri S.G. Orpe. Since the applicant has been granted the promotion, this OA has become infructuous and is dismissed accordingly. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

Rkv.

पृष्ठांकन सं. ओ/न्या.....जबलपुर, नि.....
प्रतिनिधि दाखेरी.....
(1) राजिया, उदा. नामांकन वा. वार्तालाया, जबलपुर
(2) आयोजन वोर्कर, नि.....दं. कार्यालय
(3) प्रत्यर्थी श्री/मि. (.....).....दं. कार्यालय
(4) अध्यापक, दोस्रा, ड. रामेश व्यासराम
सूचा एवं आवश्यक पार्टीजारी होता है

29-3-2006
उच्च नियमित