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13.07.2009

OA No. 426/2006

Mr. Nand Kishore, Counsel for applicant.

Mr. Anupam Agarwal, Counsel for respondents nos. 1 to 4.

Mr. S. Shrivastava, Counsel for respondent no. 5.

On the request of the learned counsel for the parties, let the matter be listed for hearing on 06.08.2009.

IR to continue till the next date.

(B.L. KHATRI)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

AHQ

6.8.2009

OA No. 426/2006

Mr. Nand Kishore - Counsel for applicant

Mr. Anupam Agarwal, - Counsel for resp.

Mr. Shashiendra Srivastava - Counsel for
resp. No. 1 to 4
resp. No. 5

Heard the learned counsel for the parties. For the reasons dictated separately, the OA is disposed of.

(B.L. Khatri)
Member (A)

(M.L. Chauhan)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 6th day of August, 2009

OA No.426/2006

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)
HON'BLE MR. B.L.KHATRI, MEMBER (ADMV.)

Santosh Babu Sharma
s/o Shri Chandan Lal Sharma,
working as Junior Engineer Grade-I,
Telecom Head Quarter at Ajmer,
r/o Q.No.2136 B, Kashrinari Railway Colony,
Ramganj, Ajmer.

.. Applicant

(By Advocate: Shri Nand Kishore)

Versus

1. Union of India through General Manager, North Western Railway, Hasanpura Road, Jaipur.
2. General Manager, North Western Railway, Hasanpura Road, Jaipur
3. Divisional Railway Manager, West Central Railway, Jaipur
4. Chief Administrative Officer (C) North Western Railway, Jaipur.
5. R.K.Shrivastava S/o Shri Sharda Prasad Shrivastava, r/o 219/8 Road No.6, Ganpati Nagar, Railway Colony, Jaipur, presently working as J.E. Grade-I in S&T department at Headquarter in N.W.R.

.. Respondents

(By Advocate: Shri Anupam Agarwal for resp. No. 1 to 4 and Shri S.Shrivastava for resp. No.5)

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ORDER

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

- i) That by an appropriate orders or directions or writ, respondents may be called to produce all entire records, pertaining to the case, after examination, the letter dated 31.5.2006 (A/1) may be declared null and void, bad in law, quashed and set aside.
- ii) That the respondents may further directed that the name of the applicant may be included in the eligibility for the selection in scale Rs. 6500-10500 likely to be held vide Annexure A/2.
- iii) Any other directions and orders, which are, deem proper in the facts and circumstances of the case may kindly be allowed to the applicant.

2. Briefly stated, facts of the case are that the applicant was transferred to the North Western Railway Headquarter Office, Jaipur on the basis of the option exercised by him, as can be seen from order dated 27.12.2002 (Ann.A/3). Further, vide order dated 24.5.2004 lien, seniority and promotion of the applicant was to be determined on the basis of his transfer to Headquarter Office, Jaipur. Vide impugned order 31.5.2006 (Ann.A/1), the respondents have deleted name of the applicant which was mentioned in the order dated 24.5.2004. It is this order which is under challenge in this OA and the applicant has prayed for the relief as aforementioned.

3. The respondents have filed reply thereby opposing claim of the applicant.

4. Private respondent has also file reply.

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5. Today, the learned counsel for the applicant placed before us order dated 15.7.2009, which is taken on record and submits that in view of this subsequent development, the present OA does not survive. The OA is accordingly disposed of.

6. The learned counsel for the private respondent No.5 submits that in view of this subsequent development, right of respondent No.5 may be affected, which should be protected. Since, the OA has been filed by the applicant and respondent No.5 has been impleaded as party in this OA, we cannot determine right of respondent No.5 in case he is aggrieved by subsequent development. However, he is at liberty to agitate the matter before the appropriate forum.


(B.L.KHATRI)
Admv. Member


(M.L.CHAUHAN)
Judl. Member

R/