

27

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

19.7.2011

OA 235/2007

Mr.Nand Kishore, counsel for applicant.

Mr.Anupam Agarwal, counsel for respondents.

Heard learned counsel for the parties. The OA stands disposed of; by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

vk

K.S. Rathore

(Justice K.S.Rathore)
Member (J)

2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 19th day of July, 2011

ORIGINAL APPLICATION No.235/2007

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. Manoj Gupta S/o Shri Shyam Sunder Gupta, aged about 33 years, working as Technician Grade-II in Scale Rs. 4000-6000, Residing in Quarter No. 4840, Railway Colony, Phulera.
2. Dinesh Kumar Sharma S/o Shri Nanu Mal Sharma, aged about 38 years, working as Technician Grade-II in Scale Rs. 4000-6000, Residing at 2-G-30, Gandhigarh, Vaishali Nagar, Ajmer.
3. Dilip Kumar S/o Shri Ladu Ram, aged about 40 years, working as Technician Grade-II in Scale Rs.4000-6000, Residing at Plot No. 14/29, Tilak Nagar, Dhola Bhata, Ajmer.
4. Mukesh Kumar Sharma S/o Shri Ramesh Chand Sharma, aged about 33 years, working as Technician Grade-II in Scale Rs.4000-6000, Residing at Plot No. 11, Kabir Colony, Phulera.
5. Sunil Kumar Jaiswal S/o Shri Ram Avtar, aged about 33 years, working as Technician Grade-III, Residing at 1280, Barkat Nagar, Jaipur.
6. Manish Kumar Saxena S/o Shri Sailesh Chand Sexena, aged about 35 years, working as Technician, Residing at 0/965, Malviya Nagar, Jaipur.
7. Kishore Kumar S/o Shri Laxman Singh, aged about 32 years, working as Technician Grade-III, Residing Behind Sophia Hindi Medium School, Saraswati, Nagar, Ajmer.

...Applicants

(By Advocate: Shri Nand Kishore)

VERSUS

1. Union of India, through
General Manager,
North Western Railway,
Hasanpura Road,
Jaipur.
2. Divisional Manager,
North Western Railway,
Power House Road,
Jaipur.

.....Respondents

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

The applicants, by way of this OA, have challenged the seniority list dated 21.3.2007 (Ann.A/1). However, it is submitted by learned counsel for the respondents in the additional-affidavit filed by him as well as on oath that during the pendency of this OA applicants No.1,4,5 & 6 on being selected have been promoted to the post of Assistant Loco Pilot and so far as applicants No.3 & 7 are concerned, they have been transferred to the office of CWM Ajmer on their own request and as such they have no right to challenge the seniority list to the post of Diesel Mechanic Grade-III.

2. Thus, in view of the submission made by learned counsel for the respondents as well as the facts mentioned by him in the additional-affidavit, the present OA, so far as it relates to applicants No.1,3,4,5,6 & 7, has become infructuous.

3. So far as the case of applicant No.2, Shri Dinesh Kumar Sharma, is concerned, learned counsel for the respondents alongwith the additional-affidavit has enclosed an application dated 10.6.2010, moved by applicant No.2, stating that he does not want to pursue the present OA.

4. Learned counsel for the applicants, vide order-sheet dated 24.5.2011, was also directed to seek instructions from



his client, applicant No.2, in this regard. However, learned counsel for the applicants submits that he has not been able to seek instruction from applicant No.2 as he has not contacted him in this regard till date.

5. Be that as it may, since learned counsel for the respondents has categorically stated in his additional-affidavit as also has stated on oath that applicant No.2 does not wish to pursue the present OA in view of his application dated 10.6.2010, consequently, the present OA deserves to be disposed of as not pressed. However, learned counsel for the applicants will be at liberty that if applicant No.2 wants to pursue the present OA, he may move a Misc. Application for revival of this OA.

6. With these observations, the present OA stands disposed of. The interim order granted vide order dated 10.7.2007 stands vacated. No order as to costs.

Anil Kumar

(Anil Kumar)
Member (A)

vk

K.S. Rathore

(Justice K.S.Rathore)
Member (J)