

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 22nd day of October, 2010

ORIGINAL APPLICATION NO. 248/2007

With

MISC. APPLICATION NO. 212/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Lekh Raj son of Shri Onkar aged about 44 years, resident of Plot No. 55, Shiv Shakti Colony, Tanaji Nagar, Ajmer. Rajasthan at present employed on the post of Depo Material Superintendent Grade 2nd under Deputy Chief Material Manager (Store Department), Ajmer, Northern Western Railway, Rajasthan.

.....Applicant

(By Advocate: None)

VERSUS

1. Union of India through General Manager, Northern Western Railway, Jaipur.
2. Deputy Chief Material Manager, Store Department, Northern Western Railway, Ajmer Division, Ajmer.

.....Respondents

(By Advocate: Mr. Anupam Agarwal)

ORDER (ORAL)

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

- "(i) That the impugned order dated 7.11.2006 (A/1) and impugned order dated 5.7.2007 (A/2) and impugned order dated 22/29.6.2007 (A/3) may please be declared illegal, arbitrary and same may please be quashed. Further the respondents may please be directed to consider the case of applicant for promotion to the post of DMS Grade 2nd pay scale Rs.5500-9000/- under cadre restructuring scheme (upgradation scheme) on the basis of modified selection procedure in the interest of justice and the respondents may please be directed to produce record of

selection proceedings and original application may please be allowed with all consequential benefits.

- (ii) Any other order/direction may please be passed in favour of applicant who may be deemed fit just and proper under facts and circumstances of the case."

2. The respondents have filed their reply. Subsequently, the respondents have moved an MA No. 212/2010 whereby it has been stated that the applicant had died on 23.04.2010.

3. When the matter was listed on 28.07.2010, this Tribunal passed the following order:-

"Issue notices of this MA to the applicant. Let the reply of this MA be filed by the applicant within a period of four weeks failing which it will be construed that the applicant is not opposing this MA.

....."

4. None has appeared on behalf of the applicant. In view of the fact that the applicant had died on 23.04.2010 and no steps for brining legal heirs ^{has been} taken, as such this OA ~~is~~ abated, which is accordingly disposed of.

5. Accordingly OA as well as MA shall stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

(M.L. CHAUHAN)
(M.L. CHAUHAN)
MEMBER (J)

AHQ