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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 08.11.2011

OA No. 310/2007

None is present for the applicant.

Mr. V.S. Gurjar, counsel for respondent nos. 1 & 2.

Mr. Anupam Agarwal, counsel for respondent no. 3.

At the request of learned counsel for the respondent nos. 1 & 2, put up the matter on 14.11.2011 for hearing.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

Ag

14.11.2011

Mr. S.S. da, Counsel for applicant.

Mr. V.S. Gurjar, Counsel for respondents
nos 1, 2 & 4

Mr. Anupam Agarwal, Counsel for respondent
no. 3.

Heard. The OA is disposed of by
a separate order.

Anil Kumar
(Anil Kumar)
M (A)

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 14th day of November, 2011

ORIGINAL APPLICATION No. 310/2007

CORAM :

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

Yashwant Kumar Sharma son of Dr. Ramesh Kumar Sharma, aged about 43 years at present working on the post of Public Relation Officer, Headquarter Office, NWR, Jaipur. Resident of House No. 1494, Captain's Street, 12th Gangur Ka Rasta, Johari Bazar, Jaipur.

... Applicant

(By Advocate : Mr. S.S. Ola)

Versus

1. Union of India through General Manager, North Western Railway, Headquarter Office, Opposite Railway Hospital, Jaipur.
2. The Railway Board through its Chairman, Rail Bhawan, Rai Sinha Road, New Delhi.
3. The General Manager (P), Rail Coach Factory, Kapoorthala (Punjab).
4. The General Manager, Kolkata Metro Railway, 33/1 Jawahar Lal Nehru Road, Kolkata.
5. Shri Gurjeet Singh, Senior Public Relation Officer, Rail Coach Factory, Kapoorthala (Punjab).

... Respondents

(By Advocate : Mr. V.S. Gurjar – Respondents nos. 1,2&4.
Mr. Anupak Agarwal – Respondent no. 3)

ORDER (ORAL)

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

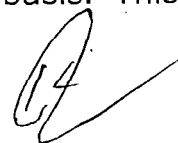
- "(i) by an appropriate writ, order or direction the Hon'ble Tribunal may kindly be pleased to call of the record relating to this case and by an appropriate writ, order or direction the impugned order annexure A/1 dated 26.7.2006 referred in Annexure A/1 dated 11.5.2007, whereby the respondent no. 5 has been promoted on the post of Senior Scale PRO be declared illegal.



- (ii) by an appropriate writ, order or direction the grouping system made by Annexure A/2 may also be declared illegal.
- (iii) by an appropriate writ, order or direction the official respondents may be directed to prepare a inter-se seniority list of PRO of All India basis and thereafter conduct the DPC for promotion to the post of Senior Scale PRO and so on. In case the applicant is found suitable he may be given promotion on the post of Senior Scale PRO and on the post of CPRO with all consequential benefits.
- (iv) Any other relief to which the applicant is found entitled, in the facts and circumstances of the present case, may also be granted in favour of the applicant.
- (v) The original application may kindly be allowed with costs."

2. It is contended on behalf of the applicant that vide order dated 26.07.2006, the official respondents have promoted the private respondent no. 5, Shri Gurjeet Singh, on the post of Senior Scale PRO, which is contrary to the scheme of rules and deserves to be declared illegal. It is further prayed for writ/order, directing the respondents to declaring the policy which has been taken by the respondents with regard to grouping system vide Annexure A/2 and thereafter draw inter-se seniority of PRO at All India basis and only thereafter conduct the DPC for promotion to the post of Senior Scale PRO.

3. Per contra, learned counsel for the respondents nos. 1, 2 & 4, Mr. V.S. Gurjar, and Mr. Anupam Agarwal, learned counsel for respondent no. 3, drawn our attention to letter dated 11.05.2007 (Annexure A/1) that Shri Gurjeet Singh, respondent no. 5, was promoted in Sr. Scale PRO on 26.07.2006 purely on ad hoc basis. This



post was filled as ex-cadre in RCF. So the seniority of Shri Gurjeet Singh is maintained by the Mechanical Department.

4. Learned counsel for respondent no. 3 by way of MA submitted two documents dated 01.02.2011 (Annexure R/3) and 03.02.20. By referring the aforesaid documents, he submitted that Shri Gurjeet Singh while working as Sr. PRO was transferred and posted as WM/Fur in Furnishing Shop and vide order dated 03.02.2011, Shri Gurjeet Singh, who was transferred and posted as WM/Fur in Furnishing Shop is now posted as WM/Quality in Quality Department. It is further submitted by the learned counsel for respondent no. 3 that in view of the above aforesaid orders, the present OA has become infructuous.

5. Since Shri Gurjeet Singh, who was given ad hoc promotion on the post of Sr. Scale PRO w.e.f. 26.07.2006 has been transferred, now the order dated 11.05.2007 (Annexure A/1), which is under challenge has been superseded by the orders dated 01.02.2011 and 03.02.2011, thus in our opinion the applicant is having no cause of action to challenge the order dated 11.05.2007 (Annexure A/1).

6. In view of this fact, the present OA has become infructuous and is dismissed as having become infructuous. Further the applicant is given liberty to file



substantive OA, if any prejudicial order is passed by the respondents.

7. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar

(Anil Kumar)
Member (A)

AHQ

K. S. Rathore

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