

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 16th day November, 2010

ORIGINAL APPLICATION No.350/2007

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMINISTRATIVE)

Praneshwar Lal
s/o Shri Laxman Swaroop,
r/o 72/286-A, Prama Hans Marg,
Mansarovar, Jaipur at present
employed on the post of
Commercial Inspector, in
North Western Railway,
Jaipur Division, Jaipur

.. Applicant

(By Advocate: None)

Versus

1. Union of India
through General Manager,
North Western Railway,
Jaipur, Rajasthan.
2. General Manager (Personnel),
North Western Railway,
Jaipur.
3. Divisional Railway Manager,
Northern Western Railway,
Jaipur Division,
Jaipur.
4. Shri Bhalchand Singh Choudhary,
at present employed on the post of
Commercial Inspector,
North Western Railway,



Jaipur Division, Jaipur
Through Divisional Railway Manager,
North Western Railway,
Jaipur Division, Jaipur

.. Respondents

(By Advocate: Shri Tej Prakash Sharma and Shri S.Srivatava, proxy
counsel for Shri P.P.Mathur)

ORDER (ORAL)

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

- (i) That the impugned order dated 25.5.2007 (Annexure A-1) merger cadre of one post of public/advertisement inspector pay scale 5000-8000 with the cadre of commercial inspector pay scale Rs. 5000-8000 w.e.f. 20.9.2000 i.e. from retrospective date, impugned order dated 20.7.2007 (Annexure A-2) giving seniority to 4th respondent over applicant from retrospective date in the cadre of commercial inspector and impugned order dated 25.4.2007 (Annexure A-5) regularizing the 4th respondent w.e.f. 23.2.99 on the post of public/advertisement inspector in the pay scale 5000-8000 and giving further promotion and seniority in the pay scale of Rs. 5500-9000 (Annexure A-10 & 11) and order dated 5/6-9-2007 (Annexure A-9) rejecting the representation of applicant may please be declared illegal, arbitrary and de hors the rules and the same may please be quashed in the interest of justice and original application may kindly be allowed.
- (ii) Any other order/direction may please be passed in favour of the applicant who may be deemed fit just and proper under facts and circumstances of the case.
- (iii) The cost of original application may please be awarded."

2. When the matter was listed on 18.10.2010, this Tribunal has
made the following observations:-



"The grievance of the applicant is regarding assigning seniority to respondent no.4 from retrospective date in the pay scale of Rs. 1400-2300/5000-8000/- and giving further promotion in the pay scale of Rs. 5500-9000/-. Consequent upon regularization of services of respondent no.4 in the aforesaid scale from retrospective date, the applicant has prayed that the order dated 25.05.2007 (Annexure A/1) whereby services of the applicant was regularized prospectively in the cadre of Inspector in the pay scale of Rs. 5000-8000/- be quashed and further promotion & seniority in the pay scale of Rs. 5500-9000/- (Annexure A/10 & 11) and order dated 5/6.09.2007 (Annexure A/9) whereby the representation of the applicant was rejected may be declared illegal, arbitrary and dehorse the rules.

Notice of this application was given to the respondents. The respondents have justified their action. None is present on behalf of the applicant.

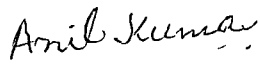
Learned counsel for respondent no.4 submits that the dispute as raised by the applicant does not survive in the view of the subsequent development. It is stated that the applicant as well as respondent no.4 have been selected in the higher grade in the pay scale of Rs. 6500-10500/- vide order dated 23.4.2008. It is further stated that the respondent no.4 after his promotion in the aforesaid scale had also earned another promotion in Group 'B' and is no longer the Member of the cadre to which the applicant belongs. Thus according to the learned counsel for respondent no.4, the present OA does not survive now.

Let the matter be listed for further hearing on 16.11.2010. In case none appeared on behalf of the applicant on that date, this Tribunal will dispose of the matter in the light of the observations made hereinabove."

3. Today, none appeared on behalf of the applicant.
4. We have heard the learned counsel for the respondents. In view of the observations made by us vide order dated 18.10.2010, we are of the view that the present OA does not survive.
5. Accordingly, the OA is disposed of. There will be no order as to costs.



6. In view of disposal of the OA, no order is required to be passed in MA No.272/2007, which stands disposed of accordingly.


(ANIL KUMAR)
Admv. Member


(M.L. CHAUHAN)
Judl. Member

R/