

90

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

25.7.2011

OA 63/2007 with MA 192/2011

None present for applicant.

Mr. Anupam Agarwal, counsel for respondents.

Heard learned counsel for the parties. The OA as well as MA stand disposed of, by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

K.S. Rathore

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

vk

Som

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 25th day of July, 2011

ORIGINAL APPLICATION No.63/2007

With

Misc. Application No.192/2011

CORAM :

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

S.K.Kaushik,
Chief Vigilance Inspector (Headquarter),
North Western Railway,
Jaipur.

... Applicant

(By Advocate : None)

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,
New Delhi.
3. Chief Administrative Officer (Construction),
North Western Railway,
Headquarter Office,
Opposite Railway Hospital,
Jaipur.

... Respondents

(By Advocate : Shri Anupam Agarwal)

ORDER (ORAL)

The applicant had filed this OA thereby praying for the following relief :

"the impugned order (Ann.A/1) dated 9.10.2006 may kindly be declared illegal and the respondents may kindly be directed to treat the applicant as eligible for selection to the post of Asstt.Engineer (LDCE-30%) to Group-B post."

2. Learned counsel for the respondents has, however, moved MA 192/2011 praying for taking certain documents, annexed thereto, on record and further praying for dismissal of the OA as having become infructuous.

3. We have carefully perused the relief claimed by the applicant as well as the MA filed by learned counsel for the respondents. The present OA is directed against the impugned order dated 9.20.2006 (Ann.A/1), wherein the respondents have referred to a provisional eligibility list for selection for promotion to Group-B post of Assistant Engineer (AEN) (LDCE-30%) scale Rs.7500-12000. and whereby the applicant was found ineligible for the said selection.

4. So far as the eligibility is concerned, the applicant was declared eligible and allowed to participate in the examination for LDCE selection of Group-B post of AEN (Paper-I & II), as is evident from Ann.R/2, annexed with MA 192/2011, and his name finds place at S.No.275. Thus, so far as the prayer with regard to declaring him eligible for selection to the post of Asstt.Engineer (LDCE-30%) to Group-B post is concerned, the same has been granted by the respondents by allowing the applicant to appear in the said selection.

5. So far as the lien of the applicant is concerned, the said relief has also been granted by the respondents vide order dated 15.7.2009 (Ann.R/4 to the MA), whereby the applicant has been granted lien in the North Western Railway.



6. In view of the above, we are satisfied with the submission made by learned counsel for the respondents that in view of the documents annexed with the MA the relief claimed by the applicant has been granted at the level of the respondents and the present OA has become infructuous.

7. In view of the above, MA 192/2011 is allowed and the documents annexed thereto are taken on record.

8. In the circumstances, the OA stands disposed of as having become infructuous. No order as to costs.

Anil Kumar

(Anil Kumar)
Member (A)

vk

K.S. Rathore

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