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**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

28.05.2008

OA 79/2007 a/w MAs 157/2008 & 284/2007

Present : None for the applicant.

Mr. Anupam Agarwal, counsel for the respondents.

This case has been listed before the Deputy Registrar due to non-availability of the Division Bench. Be listed before the Hon'ble Bench on 13.08.2008.

*Rejoinder
not filed*

akv


(GURMIT SINGH)
DEPUTY REGISTRAR

13.08.2008

OA No. 79/2007 with MAs 284/2007 & 157/2008

Mr. P.V. Calla, Counsel for applicant.

Mr. Anupam Agarwal, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.

*Documents
transferred
as received*

(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 13th August, 2008

ORIGINATION APPLICATION NO. 79/2007
With
MISC. APPLICATION NO. 284/2007 & 157/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

J.K. Jain son of Late Shri C.B. Jain, aged about 44 years, at present working as Senior Section Engineer (Construction), Office of Dy. C.E. (C) III, North Western Railways, resident of E-1/325, Gandhi Path, Chitrakoot Scheme, Jaipur.

....APPLICANT

(By Advocate: Mr. P.V. Calla)

VERSUS

1. Union of India through the General Manager, Northern Western Railway, Head quarters Office, Opposite Railway Hospital, Jaipur.
2. The Railway Board through its Chairman, Rail Bhawan, New Delhi.
3. The Chief Administrative Officer (Construction), North Western Railway, Headquarter Office, Opposite Railway Hospital, Jaipur.

....RESPONDENTS

(By Advocate: Mr. Anupam Agarwal)

ORDER (ORAL)

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

- "(i) the name of the applicant may kindly be ordered to be inserted in the seniority list at appropriate place. The respondents may kindly be directed to issue fresh seniority list of the Engineering Department. The respondents may kindly be directed to insert the name of the applicant in the eligibility list dated 24.2.2006 and allow the applicant to appear in the selection for promotion to the post of Assistant Engineer in view of the notification dated 14.10.2005. Further by an appropriate order the Railway Administration may be directed to transfer the lien of the applicant from Western Railway to NWR as has been done in the cases of employees shown in the order dated 16.6.2006 Ann. A/13.
- (ii) any other relief to which this Hon'ble Tribunal deems fit and proper may also be granted.
- (iii) This Original Application may kindly be allowed with costs.

2. In sum & substance, the grievance of the applicant is that on creation of new Railway zones, he has exercised his option for being transferred from Western Railway to North Western Railway but the respondents have not passed any such order.

3. Notice of this application was given to the respondents. The respondents have filed reply thereby opposing the claim of the applicant.

4. It may also be relevant to mention here that during the pendency of this OA, the applicant was also permitted to appear for the post of Assistant Engineer (LDCE-30%) and the result of the same was made subject to the decision of this OA.

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5. However, subsequently the respondents have filed an MA No. 157/2008 for taking order dated 28.12.2007 on record whereby it has been stated that the respondents have taken decision to grant lien to the applicant along with other similarly situated persons. In view of the averments made in this MA, the MA is allowed. Copy of the order 28.12.2007 (Annexure MA/1) has been taken on record.

6. In view of this development, since the grievance of the applicant has been settled by the Department, the present OA has become infructuous. Accordingly, the OA is disposed of with no order as to costs.

7. In view of disposal of the OA, no order is required to be passed in MA No. 284/2007, which shall also stand disposed of.

B.L. KHATRI
(B.L. KHATRI)
MEMBER (A)

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

AHQ