

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

25.11.2008

OA 60/2008 with MA 305/2008

Mr. Vinod Goyal, counsel for applicant.
Mr. N.C. Goyal, counsel for respondents.

The respondents have filed MA 305/2008 for taking on record the Office Order dated 11.6.2008 (Ann.R/1) annexed with the MA.

In view of the averments made in the MA, the MA is allowed and the Office Order dated 11.6.2008 (Ann.R/1), annexed with the MA, is taken on record and shall form part of the main OA.

MA stands disposed of accordingly.

Heard learned counsel for the parties. The OA stands disposed of by a separate order.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 25th day of November, 2008

ORIGINAL APPLICATION NO.60/2008

CORAM :

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

1. Naimuddin s/o Shri Jamaluddin,
R/o Naya Bazar, Gangapur City,
District Sawai Madhopur.
2. Noor Mohammad s/o Shri Jahur Khan,
R/o Dashahra Ground, Opp. Shahin School,
Gangapur City,
District Sawai Madhopur.

... Applicants

(By Advocate : Shri Vinod Goyal)

Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur (MP).
2. Divisional Railway Manager,
West Central Railway,
Kota.
3. Station Manager,
West Central Railway,
Gangapur City,
District Sawai Madhopur.
4. Ram Kumar,
Sr.P.Man,
O/o DRM, West Central Railway,
Kota.

... Respondents

(By Advocate : Shri N.C.Goyal)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicants have filed this OA thereby praying for the following relief :

- "i) By an appropriate order or direction the impugned order dated 1.2.2008 (Ann.A/1), order dated 4.8.99 (Ann.A/7), order dated 9.9.2002 (Ann.A/11) and the order dated 31.7.2007 (Ann.A/12) qua the applicants and respondent No.4 may kindly be declared as null and void and be quashed and set aside.
- ii) By an appropriate order or direction, the respondents be directed to promote the applicants on the post of Sr.P.P., P.Man and then Sr.P.Man w.e.f. when junior, respondent No.4, was promoted with all consequential benefits including salary with interest and seniority accordingly.
- iii) By an appropriate order or direction the respondents be directed to designate the post of the applicants as P.P. and Sr.P.P. and fix the seniority in this cadre in Traffic/ Operating Wing as such the respondents be directed not to displace the applicants from the present place of posting.
- iv) Any other order which appears to be just and correct in the interest of justice may also be passed."

2. The applicants were initially appointed as P.P. in the year 1993. Subsequently, they were transferred to Gangapur City as Bhishti, at their own request. Grievance of the applicants is that respondent No.4, who was junior to the applicants in the cadre of P.P., has subsequently been promoted as Sr.P.P., whereas no such promotion avenue was given to them. Subsequently, the post of Bhishti was abolished and consequently the applicants were declared surplus and transferred vide impugned order dated 1.2.2008 (Ann.A/1).

3. Notice of this application was given to the respondents, who have filed their reply thereby justifying their action. It has been stated in the reply that the applicants were transferred on the post of Bhishti in the year 1995 at their own request,

whereas respondent No.4 continued to hold the post of P.P. and as such, respondent No.4 belongs to a different cadre and subsequently promoted in his own cadre. Thus, the applicants cannot have any grievance.

4. During the pendency of this OA, the respondents have moved MA 305/2008, whereby it has been stated that both the applicants, who were working on the post of Bhishti in the pay scale of Rs.2610-3540 in the Commercial Department under the Station Master, Gangapur City, on being surplus they have been transferred from the Commercial Department to the Carriage and Wagon Mechanical Department as Khalasi in the pay scale of Rs.2610-3540 under the Senior Section Engineer, Kota. Copy of the said order dated 11.6.2008 has been placed on record by way of MA 305/2008 as Ann.MA/R-1.

5. In view of this subsequent development, whereby the applicants have been transferred to the Carriage and Wagon Department as Khalasi, the grievance of the applicants does not survive. Accordingly, the present OA has become infructuous. In case the applicants are aggrieved by the order dated 11.6.2008 (Ann.MA/R-1), it will be permissible for them to file a substantive OA thereby raising all permissible pleas. It is, however, made clear that we have not disposed of this OA on merit but this OA is being disposed of in view of passing of the order dated 11.6.2008 (Ann.MA/R-1) by the respondents.

6. With these observations, the OA shall stand disposed of.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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