

09.03.2009

OA No. 72/2009 with MA 47/2009

Mr. P.N. Jatti, Counsel for applicant.
Mr. V.S. Gurjar, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA as well as MA are disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 09th day of March, 2009

ORIGINAL APPLICATION NO. 72/2009

CORAM:

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

M.P. Mehta son of Shri Late Shri K.L. Mehta by caste Mehta, aged about 47 years, resident of Bungalow No. 3, Ganpati Nagar, Railway Colony, Jaipur. Presently working as Chief Safety officer, North Western Railway, Jaipur.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the Secretary, Railway board, Rail Bhawan, Rajsina Road, New Delhi.
2. Shri Ashok Gupta, General Manager, North Western Railway, Jaipur.
3. The General Manager (P), North Western Railway, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. V.S. Gurjar)

ORDER (ORAL)

The applicant has filed this OA where the grievance of the applicant is that vide order dated 18.02.2009 (Annexure A/1), Shri Rajendra Kumar Meena, SAG/IRTS/NCR on reporting to North Western Railway has been posted vice the applicant on the ground that the applicant is proceedings on leave whereas the applicant has not made such application.

2. In view of the submission made by the learned counsel for the applicant, we granted ex-parte interim stay on 20.02.2009. The said stay is still continuing.

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3. The respondents have filed reply. Thereafter the respondents have filed a Misc. Application for vacation of stay, which was registered as MA No. 47/2009, which was listed on 03.03.2009 on which date the learned counsel for the respondents was heard at length and he was permitted to file Additional Affidavit. Accordingly, the matter was adjourned to 09.03.2009.

4. Today, learned counsel for the respondents has filed an Additional Affidavit, which is taken on record. In Para No. 3 of Additional Affidavit, the respondents have indicated the circumstances which led to passing of the impugned order dated 18.02.2009 (Annexure A/1). In Para No. 6, the respondents have categorically stated that since the applicant has not submitted any application for grant of leave, as was reported by the Chief Operations Manager, North Western Railway, Jaipur, therefore, in such circumstances, the answering respondents intend to modify the impugned order dated 18.02.2009 to pass necessary orders.

5. In view of what has been stated above, the present OA does not survive. The respondents are directed to modify the impugned order dated 18.02.2009 (Annexure A/1) in the light of the stand taken by them in the Additional reply. The OA is disposed of accordingly with no order as to costs. Interim stay granted on 20.02.2009 shall stand ~~disposed of~~ ^(vacated).

6. In view of the order passed in the OA, no order is required to be passed in MA No. 47/2009, which is also disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ