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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

17.08.2009

OA No. 83/2009

**Mr. Shiv Kumar, Counsel for applicant.
Mr. R.G. Gupta, Counsel for respondents.**

Heard learned counsel for the parties.

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


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


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

AHQ

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 17th August, 2009

ORIGINAL APPLICATION NO. 83/2009

CORAM:

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

Bal Ram son of Rampal aged about 57 years, resident of Plot No. 38, Behind Jail, Bajerl, Sawaimadhopur (Rajasthan) at present employed on the post of driver in the office of SCC (P.Way) Sawaimadhopur, Western Central Railway, Kota Division.

.....APPLICANT

(By Advocate: Mr. Shiv Kumar)

VERSUS


1. Union of India through General Manager, Western Central Railway, Jabalpur (MP).
2. Divisional Railway Manager, Western Central Railway, Kota Division, Kota (Rajasthan).
3. Assistant Personnel Officer (S&T), Western Central Railway, Kota Division.

.....RESPONDENTS

(By Advocate : Mr. R.G. Gupta)

ORDER (ORAL)

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

- "(i) That the respondents may please be directed to pass necessary order in light of judgment dated 16.10.1995 passed by Central Administrative Tribunal, Jaipur Bench, Jaipur in Original Application No. 167/1992, Bal Ram vs. Union of India & Others and the respondents may please be further directed to issue posting order in favour of applicant on the post of Truck Driver in the pay scale of Rs.950-1500 revised pay scale Rs.3050-4590 (Rs.5200-20200) against the regular post/vacancy in light of judgment dated 16.10.1995 and applicant may please be given all necessary consequential benefits. Further the respondents may please also be directed to furnish the details of vacancy/post for the post of Driver pay scale
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Rs.950-1500 revised pay scale Rs.3050-4590 (Rs.5200-20200) in the interest of justice.

- (II) Any other order/direction/relief(s) may be passed in favour of applicant which may be deemed fit, just and proper under the facts and circumstances of this case.
- (III) That the cost of this application may be awarded."

2. Learned counsel for the applicant submits that in view of the order dated 29.05.2009 (Annexure R/1) whereby the service of the applicant has been regularized with immediate effect, he does not want to press this OA at this stage and wants to withdraw the same with liberty reserved to him to file another OA as according to him, vacancy was available with the department from back date and in terms of the order passed by this Tribunal in OA No. 167/1992 decided on 16.10.1995, it was ~~not~~ incumbent for the respondents to regularize the service of the applicant as Truck Driver with effect from the date of the availability of the vacancy against Outsider quota.

3. In view of what has been stated above, the applicant is permitted to file substantive OA in the aforesaid term. The OA is disposed of as having been withdrawn.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ