

(9)

**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

29.06.2009

OA No. 246/2009 with MA 177/2009

**Mr. V.D. Sharma, Counsel for applicant.
Mr. T.P. Sharma, Counsel for respondents.**

**Learned counsel for the applicant prays for
sometime to file rejoinder. In view of the fact that the
post of Attendant, Group 'D' stood abolished as can be
seen from order dated 01.06.2009 (Annexure R/4), the
stay granted on 11.06.2009 need not be extended.**

**Let the matter be listed on 10.07.2009. In the
meanwhile, the applicant may file rejoinder.**

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

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

AHQ

09.07.2009

OA No. 246/2009

**Mr. V.D. Sharma, Counsel for applicant.
Mr. T.P. Sharma, 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

*Recd
V.D. Sharma*

*Received
copy
2/7/09
@Munshi*

*Rejoinder
not filed*

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 10th day of July, 2009

ORIGINAL APPLICATION NO. 246/2009

CORAM:

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

Manraj Meena son of Shri Harkesh Meena, aged about 20 years, resident of Amawara, Tehsil Bamanwas, District Sawai-madhopur, working as Attendant, Regional Office, Textile Committee, Jaipur.

.....APPLICANT

(By Advocate: Mr. V.D. Sharma)

VERSUS

1. Union of India through its Secretary, Ministry of Textiles, P. Balu Road, Prabhadevi Chowk, Prabhadevi, Mumbai.
2. Secretary, Textile Committee, Government of India, Ministry of Textiles, P. Balu Road, Prabhadevi Chowk, Prabhadevi, Mumbai.
3. Regional Director, Regional Office, Textile Committee, NSO-2 & SGR-1, Nehru Place, Tonk Road, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. T.P. Sharma)

ORDER (ORAL)

The applicant has challenged the order dated 01.06.2009 (Annexure A/1) whereby the services of the applicant was terminated for the reasons given therein. This Tribunal on the basis of the finding recorded in the order dated 01.06.2009 (Annexure A/1) and on the basis of the averment made by the learned counsel for the applicant, ex-parte interim stay was granted on 11.06.2009.

2. Respondents have filed reply. Along with the reply, the respondents have placed on record the order dated 01.06.2009 (Annexure R/4), perusal of which shows that five Group 'D' posts of Attendant in the Textile Committee has been abolished.

3. In view of the fact that five posts of Attendant, Group 'D' stand already abolished, as such this Tribunal on the next date of hearing i.e. on 29.06.2009 did not extend the interim stay granted to the applicant vide order dated 11.06.2009.

4. In view of this subsequent development and the fact that five posts of Attendant, Group 'D', stand already abolished, it is not permissible to grant mandatory relief unless the order of abolition is challenged.

5. In view of what has been stated above, we are of the view that no relief can be granted to the applicant at this stage. However, it will be permissible for the applicant to file substantive OA for the same cause of action thereby challenging the validity of the order dated 01.06.2009 whereby the posts of Attendant, Group 'D' has been abolished.

6. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)

AHQ


(M.L. CHAUHAN)
MEMBER (J)