

**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. 247/2009 with MA 176/2009**

**Dr. Saugath Roy, 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.

*[Signature]*  
(B.L. KHATRI)  
MEMBER (A)

*[Signature]*  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ

**09.07.2009**

**OA No. 247/2009 with MA 176/2009**

**Mr. Jaideep, Proxy counsel for  
Dr. Saugath Roy, 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.

*[Signature]*  
(B.L. KHATRI)  
MEMBER (A)

*[Signature]*  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ

*Received  
copy  
29/6/09  
B.D.*

*Received  
copy  
2/7/09  
[Signature]*

*Rejoinder  
not filed*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 10<sup>th</sup> day of July, 2009

**ORIGINAL APPLICATION NO. 247/2009**

**With**

**Misc. Application No. 176/2009**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Jasdeep Singh son of Late Shri Inderjeet Singh, aged about 35 years, resident of House No. 423, Gali No. 3, Raja Park, Jaipur holding the post of Clerk/Attendant at Regional Office, Textile Committee situated at Nehru Place, Tonk Road, Jaipur.

.....APPLICANT

(By Advocate: Mr. Jaideep proxy to Dr. Saugath Roy)

VERSUS

1. Union of India through Secretary (Textile), Textile Committee, Ministry of Textile, Government of India, P.Balu Road, Prabha Devi Chowk, Prabha Devi, Mumbai.
2. The Assistant Director (EP & QA), Regional Office of the Textiles Committee, Government of India, 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.

7. In view of the order passed in the OA, no order is required to be passed in MA No. 176/2009, which is accordingly disposed of.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ