

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA No. 183/2010

This the 14th day of July, 2011

Hon'ble Shri Justice K.S. Rathore, Member (Judicial)
Hon'ble Shri Anil Kumar, Member (Administrative)

Kapoor Chand Verma S/o Shri Veer Singh aged about 47 years, resident of Kishanpur Mohalla, Deeg, and presently working as Sub-Divisional Inspector (Postal), Deeg District Bharatpur.

...Applicant

(By Advocate: Shri C.B.Sharma)

- VERSUS -

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi. 110001.
2. Chief Post Master General, Rajasthan Circle, Jaipur-302007.
3. Director Postal Services, Jaipur, Jaipur Region, Jaipur 302007.
4. Superintendent of Post Offices, Bharatpur Postal Division, Bharatpur.

.....Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

By way of present OA, the applicant has prayed for the following relief(s):-

- i) That entire record relating to the case be called for and after perusing the same, respondents be directed to relieve the applicant to join promotional post by quashing any order which has not been served upon the applicant with all consequential benefits.
- ii) That respondents be further directed to give effect promotion order of the applicant ordered vide memo dated 10.3.2010 (annexure A/1) with all consequential benefits including due fixation of pay etc.
- iii) Any other order/directions of relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.
- iv) That the costs of application may be awarded.



2. The respondents with their reply have annexed Annexure R-6 dated 22.6.2010, by which the promotion/posting order of the applicant has been cancelled. However, his name has wrongly been mentioned in the said order as Shri Kapoor Chand Gupta, instead of Kapoor Chand Verma. The learned counsel appearing for the respondents admits this fact of mistake and submits that vide order dated 22.6.2010 (Annexure R-6) promotion order of the applicant has been cancelled on account of pendency of the disciplinary/ vigilance case under rule 14 of CCS(CCA) against him.

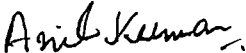
3. In view of the above order dated 22.6.2010 (Annexure R-6), the present OA has become infructuous with regard to the relief claimed by the applicant to relieve him with promotion.


4. Learned counsel for the applicant seriously contested the matter as the Tribunal had issued notices to the respondents but the respondents ordered to retain the cancellation order of the applicant with an ulterior motive to deprive the applicant from promotional avenues.

5. We have considered the rival submissions of the respective parties and perused the material available on record as well as Annexure R-6, by which the promotion order of the applicant has been cancelled. As per the settled preposition of law, the applicant has got fresh cause of action to challenge the impugned order dated 22.6.2010 by way of filing a substantive OA. Thus the present OA has become infructuous.

6. Thus, the present OA stands disposed of as having become infructuous with liberty to the applicant to file a fresh OA. The applicant also given liberty to file application for condonation of delay in filing of fresh OA, as the delay has been caused due to filing of the present OA, which is bonafide.

7. With these observations, the OA present stands disposed of.


(Anil Kumar)
Member (Administrative)


(Justice K.S.Rathore)
Member (Judicial)