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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

28.08.2012

OA No. 545/2011 with MA 350/2011 & 283/2012

Mr. Surendra Singh, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

Heard learned counsel for the parties.

The OA as well as MA are disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Jaipur, the 28th day of August, 2012

ORIGINAL APPLICATION No. 545/2011
With
MISC. APPLICATION NO. 350/2011 & 283/2012

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Amit Kumar Sharma son of Late Shri Ram Niwas Sharma aged about 24 years, resident of Village Ajmeripur, Post Barrod, Tehsil Behror, District Alwar, Rajasthan.

... Applicant
(By Advocate : Mr. Surendra Singh)

Versus

1. Union of India through its Secretary, Ministry of Defence, South Block, New Delhi.
2. Chief Engineer (Headquarter), Military Engineering Services, Jaipur Zone, Power House Road, Bani Park, Jaipur.
3. Commander Works Engineer, Military Engineering Services, Jaipur.
4. Garrison Engineer, Military Engineering Services, Itarana, Alwar.

... Respondents
(By Advocate: Mr. Mukesh Agarwal)

ORDER (ORAL)

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

- "(a) That by appropriate orders, directions, instructions, the order dated 30.12.2006 and 15.02.2007 (Annexure-1 and Annexure-2) be quashed and set aside.
- (b) That by appropriate orders, directions and instructions, respondents be directed to give the appointment to the applicant on compassionate ground.
- (c) Any other relief which the Hon'ble Tribunal thinks just and proper in the circumstances of the case in

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favour of the humble applicant may also be allowed.

(d) Cost of the OA be awarded to humble applicant."

2. Learned counsel for the respondents has filed an MA No. 283/2012 in which it is stated that now the respondents have decided to further consider the case of the applicant in Board of Officers of compassionate appointment for the year 2009-10, 2010-11 and 2011-12. Therefore, the grievance of the applicant has been redressed by the respondents by taking decision to consider the case of the applicant for compassionate appointment. Therefore, the OA does not survives and deserves to be dismissed as having become infructuous. Learned counsel for the applicant also agreed with the submissions made by the learned counsel for the respondents. However, he submitted that the applicant may be given liberty to file a fresh OA if any prejudicial order is passed by the respondents.

3. Having heard the rival submissions of the parties and in view of the fact that respondents have decided to consider the case of the applicant for compassionate appointment for the years 2009-10, 2010-11 and 2011-12, the present OA has become infructuous and the same is dismissed as having become infructuous. However, the applicant is given liberty to file fresh OA if any prejudicial order is passed against him by the respondents.

Anil Kumar

4. In view of the order passed in the OA, MA Nos. 350/2011 and 283/2011 also stands disposed of.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ