

**Central Administrative Tribunal  
Principal Bench**

**OA No.4649/2015  
MA No.4343/2015  
MA No.4344/2015**

New Delhi, this the 30<sup>th</sup> day of August, 2017

**Hon'ble Shri V. Ajay Kumar, Member (J)  
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Ex-Sub. Maj Kashmir Singh, JE (Civil),  
JC-153681K,  
Aged about 59 years,  
S/o Shri Bhag Singh,  
R/o H.No.8, Surendra Enclave,  
Near High Ground Road, Zirakpur,  
Distt. Mohali, Punjab.
2. Ex-Sub. Maj. K.P. Singh, J.E. (Civil),  
JC-179879A,  
Aged about 54 years,  
S/o Late Shri Harbans Singh,  
R/o Vill. Noorpur Chhipari,  
P.O-Sherkot, Tehsil Dhampur,  
Distt. Bijnor, UP-246747.
3. Ex-Sub. Maj. Umesh Chandra Rai, JE (Civil),  
JC-207610Y,  
Aged about 49 years,  
S/o Late Shri Ram Bilas Rai,  
R/o Village Sonharia, P.O. Bhupalachack,  
Distt. Ghazipur,  
U.P.-232336.

...Applicants

(By Advocate : Shri M.K. Bhardwaj)

**Versus**

Union of India & Ors. through :

1. The Secretary,  
Ministry of Defence,  
South Block, New Delhi.

2. The Engineer in Chief,  
Rajaji Marg, Kashmir House,  
New Delhi.
3. The DG (Pers),  
E-In-C Branch,  
Kashmir House, Rajaji Marg,  
New Delhi.
4. The Chief Engineer,  
Northern Command,  
PIN 914698  
56 APO.

...Respondents

(By Advocate : Shri Ranjan Tyagi)

### **ORDER (ORAL)**

**Mr. V. Ajay Kumar, Member (A) :-**

#### **MA No.4343/2015 & MA No.4344/2015**

For the reasons stated therein, the MAs filed by the applicants are allowed.

#### **OA No.4649/2015**

Heard both sides.

2. The applicants have filed the instant OA seeking the following reliefs :

- (i) To quash and set aside the order dated 16.02.2015 and 21.10.2015.
- (ii) To declare the action of respondents in not giving appointment and posting to the applicants in their parent command as illegal and arbitrary and direct the respondents to post the applicants in their parent command as per the choice stations given by the applicants in their applications submitted for appointment under DCRE Quota and subsequently.

- (iii) To quash and set aside the order dated 10.02.2015 to the extent the applicants have not been appointed and posted in their parent command.
- (iv) To allow the OA with cost.
- (v) Pass such other and/or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. The applicants are aggrieved of their posting in a command other than their parent command by submitting that the said action is against to the rules. However, after the OA is filed, the respondents have issued order dated 26.08.2017, whereunder they have posted the applicants back to their parent command. It is further submitted that one of the applicants has already been retired on 30.04.2017.

4. In the circumstances, the OA is dismissed as having become infructuous. However, the issue raised by the applicants is kept open. No costs.

( Nita Chowdhury )  
Member (A)

( V. Ajay Kumar )  
Member (J)

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