

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No. 516 OF 2016

Dated:- Friday, 12th day of January, 2018.

Coram: Hon'ble Shri Arvind J. Rohee, Member (J)
Hon'ble Shri R. Vijaykumar, Member (A)

M.K. Gupta

Son of Late Shri. Muralilal Gupta,
 Age:- 57 years (Date of Birth: 11.10.1958)
 Working as Chief Administrative Officer (Construction)
 Central Railway,
 Headquarters Office,
 CST, Mumbai 400 001 and
 residing at: L-42, Badhwar Park,
 Woodhouse Road, Colaba,
 Mumbai 400 005,
 State of Maharashtra. **...Applicant.**

(By Advocate Shri. R.G. Walia)

Versus

1. Union of India.

Through- Secretary Railway Board,
 Rail Bhavan,
 New Delhi 110001.

2. Department of Personnel and Training

(DoPT) Through- Secretary,
 North Block, New Delhi 110001.

3. Appointments Committee of the Cabinet (ACC)

Through: Establishment Officer,
 Department of Personnel and Training,
 North Block, New Delhi 110001.

4. Chairman

Railway Board, Rail Bhavan,
 New Delhi 110001. **...Respondents**

(By Advocate Shri. S.C. Dhawan)

ORDER (ORAL)**PER : A.J. ROHEE, MEMBER (J)**

Today, when the matter is called out for final hearing, heard Shri R.G.Walia, learned Advocate for the applicant and Shri S.C.Dhawan, learned Advocate for the respondents.

2. In this OA, the following reliefs are sought by the applicant :-

“A) This Hon'ble Tribunal will be pleased to call for the record i.e. DPC proceedings for the years 2015-2016 and 2016-2017 and after going through its propriety, legality and constitutional validity, be pleased to hold and declare that the non-consideration/ non-posting of the applicant to the post of general Manager (Metro) Kolkata only on the ground that he has not worked as DRM (Divisional Railway Manager) is illegal and wrong and accordingly quash and set aside the same.

B) This Hon'ble Tribunal will be pleased to Order and direct the respondents to post the applicant on the first available vacancy in the post of General Manager including General Manager (Metro) Kolkata or General Manager (OL) in accordance with his Panel Seniority either from the Panel Year 2015-2016 or 2016-2017.

C) Any other and further orders as this Hon'ble Tribunal deem fit, proper and necessary in the facts and circumstances of the case.

D) Costs of this Original application is provided for;

3. The MA is opposed by way of

reply. However, on account of subsequent developments in the matter, the learned Advocate for the applicant submitted that on the instructions received from the applicant, he does not want to proceed with the OA.

4. In view of this, OA stands dismissed as withdrawn unconditionally. Consequently interim order automatically stands vacated. All the pending MAs also stand disposed of.

5. Parties are directed to bear their respective costs of the OA.

(R.Vijaykumar)
Member (A)

(Arvind J. Rohee)
Member (J)

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