

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH, ALLAHABAD

(This the 20<sup>th</sup> Day of December 2018)

**Hon'ble Ms. Ajanta Dayalan, Member (A.)**  
**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

Original Application No.1579 of 2011  
(U/S 19, Administrative Tribunal Act, 1985)

Manik Chandra S/o Shri Rameshwar Prasad R/o Rana Nagar (Near Scion Public School) Lahartara, Varanasi. At present serving as Assistant Loco Pilot under Senior Section Engineer (Loco), Diesel Lobby Varanasi, District Varanasi, Northern Railway, Lucknow.

..... Applicant

By Advocate: Shri K.N Singh

Versus

1. The General Manager of Northern Railways, Head Office, Baroda House, New Delhi.
2. The Divisional Railway Manager, Divisional Office Northern Railway, Hazaratganj, Lucknow.
3. The Senior Section Engineer (Loco) Diesel Lobby Varanasi, Northern Railway, District Varanasi.

..... Respondents

By Advocate: Shri Anil Kumar

ORDER

**Delivered by Hon'ble Ms. Ajanta Dayalan, Member (A.)**

None present for the applicant. Heard Shri Anil Kumar, learned counsel for the respondents.

2. The learned counsel for the respondents states that the applicant vide O.A. has sought relief of ante-dating of promotion w.e.f. 19.08.2008 rather than 3.5.2010 already granted to him. He has also sought direction to the respondents to give all benefits as provided to other similar junior employees.

3. The learned counsel for the respondents has placed on record order dated 24.1.2012 by which the applicant has been promoted w.e.f. 19.8.2008. He has also placed on record another order dated 09.4.2012 by which his name has been entered at the right place in the promotion notice dated 28.12.2011. He states that the applicant cannot be granted actual payment of higher scale to him consequent to his promotion as he was not actually performing those duties at that point of time. He, therefore, concludes that all the reliefs sought by the applicant, which were due to him, have been made to him. He, therefore, prays that O.A. has become infructuous and may be disposed of.

4. Learned counsel for the respondents also states that as per existing rules, none of the employees junior to him have been ordered payment of higher scales in case they have not performed the duties.

5. It is observed that learned counsel for the applicant was not present on earlier date i.e. 25.7.2018 when the case was listed. Even earlier on 21.7.2014, there was illness slip from the counsel for the applicant and so not appeared. Even on 21.4.2014, the case was adjourned on the request of the applicant's counsel.

6. Considering the averments made by the learned counsel for the respondents and the above facts, we are of the view that the relief sought by the applicant has been already granted to him and as such O.A. has become infructuous. Accordingly, O.A. is dismissed as infructuous. No order as to costs.

**[Rakesh Sagar Jain]**  
Member-J

**[Ajanta Dayalan]**  
Member-A

**Manish/-**