

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 09th day of *April*, 2019.

HON'BLE JUSTICE SHRI BHARAT BHUSHAN, MEMBER (J).
HON'BLE MS. AJANTA DAYALAN, MEMBER (A).

Original Application Number. 330/01525/2017.

Navin Sharma, aged about 50 years, son of Shri Narendra Sharma, presently posted at Dy. CME/Engine in NCR, Izzat Nagar, R/o H. No. Villa 330 Mega Dreem Karmachari Nagar, Bareilly.

.....Applicant.

VE R S U S

1. Union of India through Joint Director Establishment-II, Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, North Eastern Railway, Gorakhpur.
3. The Chief Personnel Officer, North Eastern Railway, Gorakhpur.

.....Respondents

Advocate for the applicant : Shri Ashish Srivastava
Advocate for the Respondents: Shri Manoj Kumar Singh

ORDER

(Delivered by Hon'ble Justice Shri Bharat Bhushan, J.M)

Shri Ashish Srivastava, learned counsel for the applicant and Shri Satish Sahu, proxy to Shri Manoj Kumar Singh, learned counsel for the respondents are present.

2. Learned proxy counsel for respondents' counsel submitted that a short counter affidavit on behalf of the respondents had been filed on 18.01.2019 stating therein that the reliefs claimed by the applicant in the OA have already been granted to him. The relevant paragraphs of the short counter affidavit are reproduced below: -

“3. That in pursuance of the decision dated 07.09.2018 rendered by Hon’ble Supreme Court in SLP (C) No. 22444 of 2017 (Prabhat Ranjan Singh and another Vs. R.K. Kushwaha and others), Railway Board vide Order no. E(O)1/2014/SR-6/II CC Part dated 10.09.2018, has decided that all the Zonal Railways/Pus should now act strictly in accordance with the revised rule (RBE No. 33/2018 dated 05.03.2018) and all the promotion to senior scale and Junior administrative grade should be made strictly in conformity with the revised seniority list dated 09.03.2018.

4. That it is submitted that in pursuance of Railway Board Order no. E(O)1/2014/SR-6/II CC Part dated 10.09.2018, the answering respondent has taken a decision not to demote the applicant and all orders in pursuance of Railway Board’s order dated 06.12.2017 has been withdrawn.

5. That since the applicant will not be demoted in pursuance of the Railway Board’s order dated 06.12.2017 as such no cause of action survives and the present original application has been rendered infructuous.”

3. Learned counsel for the applicant has also conceded that above facts and stated that this OA has now become infructuous and his client is also not approaching him.

4. Having considered the above position, this OA is dismissed as having rendered infructuous.

(MS. AJANTA DAYALAN)
MEMBER- A.

(JUSTICE BHARAT BHUSHAN)
MEMBER- J.

Anand...