



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**CP No. 554/2018 in
OA No. 1809/1996**

New Delhi this the 13th December, 2019

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI MEMBER (J)
HON'BLE MR. PRADEEP KUMAR MEMBER (A)**

Jiwdhan & Ors.

..... Applicants

Vs.

Union of India

... Respondents

And

Babulal (Applicant No. 24)
S/o Late Sh. Ori
Aged about 59 Years,
Group: D
Department: Railway
Designation: Causal
Nature of grievance: To be reengaged
Address: Post-Ghaghsara,
Jagdishpur Urf Mahi, Gorakhpur,
Uttar Prades- 273209

.....Applicant

(None for applicant)

Versus

1. L. M. Jha,
Chief Administrative Officer,
Railway Colony, 90, Gorakhpur
(U.P.)

2. Pradeep Kumar, CPO
Chief Administrative Officer,
Railway Colony, 90, Gorakhpur
(U.P.)

3. Mukhya Prasad,
Chief Administrative Officer,
Railway Colony, 90, Gorakhpur
(U.P.)

.....Respondents

(By Advocate: Shri Shailendra Tiwary)

ORDER (ORAL)

BY HON'BLE MRS. JUSTICE VIJAY LAKSHMI MEMBER (J)

1.0 No one is present on behalf of applicants, even in the revised call. Learned counsel for the respondents is present.

2.0 The order sheet shows that the applicants are not appearing since several previous dates.

3.0 Compliance affidavit has already been filed by the respondents, which is on the record. Learned counsel for the respondents has placed before us the order of the Hon'ble High Court of Delhi passed in WP (C) No. 8104/2002 (**Union of India & Ors. Vs. Jiwdhan & Ors**) by means of which the Union of India had challenged the order dated 18.04.2002, forming base of this C.P. It shows that out of 26 original applicants, only 18 were found alive. However, all were found above 70 years of age and 8 were found to have passed away.

4.0 On 16th December, 2002, while issuing notice of the applicants in the aforesaid writ petition, the Hon'ble Delhi High Court had stayed the order dated 18.04.2002 of CAT, requiring the petitioners to prepare the seniority list, which continued till 15.11.2017 i.e. for about 15 years. Para 9

of the order passed in aforesaid Writ Petition is reproduced



below:-

“9. Given the nature of the proceedings in the petition where the above interim order continued till 15th November, 2017 i.e. for about 15 years, the original reliefs sought in the application before the CAT have been rendered infructuous by the efflux of time. In other words, such of the Respondents who are alive have already crossed the age for being re-engaged. In the circumstances, the question of the Petitioners being in a position to comply with the directions issued by the CAT does not arise.”

5.0 In view of the facts and circumstances, as mentioned above, it appears that due to efflux of time, the case has become infructuous and as a result even the surviving petitioners have lost interest. Accordingly, the CP is dismissed as being infructuous and for want of prosecution.

(PRADEEP KUMAR)
MEMBER (A)

(JUSTICE VIJAY LAKSHMI)
MEMBER (J)

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