
(2019) 12 CAT CK 0032

In the Central Administrative Tribunal

Case No : Original Application No. 2401 Of 2013

Ram Roop And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 12-12-2019

Acts Referred:

Citation : (2019) 12 CAT CK 0032

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : KK Patel, Shailendra Tiwary, VSR Krishna

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. A clear omission, if not irresponsible way of conducting the case on the part of the learned counsel for the respondents, has led to listing of this OA once again.
2. The applicants were working as Sub-Overseer Mistry, which in turn merged with the post of Junior Engineer-II. In the context of promotion to the post of Junior Engineer, examination was conducted. The employees, who were junior to the applicants, approached the Tribunal by filing OA No. 2533/2009 and 2938/2009 and on the basis of the directions issued therein, they were permitted to take part in the examination. The applicants claim similar relief in this OA.
3. Since the juniors of the applicant were granted such relief, the OA was disposed of on 21.02.2019, directing the respondents to extend the same facility.
4. The respondents filed a Writ Petition No. 43214/2019, stating that the applicants retired from service by the time the OA was disposed of. By accepting that plea, the Hon'ble High Court has set aside the order passed in OA and remanded the same back to the Tribunal.
5. We heard Shri K.K. Patel, learned counsel for the applicants and Shri

Shailendra Tiwary proxy for Shri V.S.R. Krishna, learned counsel for the respondents.

6. It is rather unfortunate that the respondents did not bring the factum of retirement of the applicants to the notice of this Tribunal when the OA was heard. They appear to have reserved the plea to be raised in the Writ Petition. It is rather unfortunate if not irresponsible on the part of the respondents. Here again, the respondents are not correct, since the applicant no.1 was very much in service when the OA was disposed of. However, he, too, has retired on 30.06.2019. No relief can be granted in the OA as the things stand now.

7. We, therefore, dismiss the OA. It is accordingly dismissed.

8. We, however, expressed our deep dissatisfaction as to the manner in which the learned counsel for the respondents has presented his case when the OA was decided earlier.

There shall be no order as to costs.