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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6285/2002 and CM No. 1811/2004

UOI

..... Petitioner

Through: Mr J.K. Singh, Standing Counsel and
Ms Madhulika Agarwal, Advs.

versus

S.C. MANCHANDA

..... Respondent

Through: Ms Meenu Mainee, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **18.09.2017**

1. The petitioner, Ministry of Railways/Union of India is aggrieved by the judgment dated 08.07.2002, pronounced by the Central Administrative Tribunal, Principal Bench in OA No.211/2002, filed by the respondent herein praying *inter alia* that he be considered for appointment to the post of Additional Member (Staff). The said petition was allowed by the Tribunal and clause (vi) of the Resolution dated 11.10.2000, issued by the Railway Board along with the impugned clarification of January 2002 was quashed. Further, the petitioner was directed to undertake a fresh exercise to lay down a seniority level for appointment to the post of Additional Member (Staff) in an objective, rational and fair manner. It was also directed that the Union of India shall treat the post of Additional Member (Staff) as a post in IRPS and thereafter consider the claim of the respondent and others for appointment as Additional Member (Staff).

2. Aggrieved by the aforesaid judgment, the petitioner/Union of India filed the present petition and vide order dated 01.10.2002, operation of the impugned judgment was stayed. One of the main planks for assailing the ***W.P.(C) 6285/2002***

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impugned judgment is the findings returned by the Tribunal to the effect that the post of Additional Member (Staff) is an encadred post in the IRPS.

3. Learned counsel for the parties state in unison that much water has flown under the bridge over the past decade and a half and the respondent has superannuated during the pendency of the present petition. Both the parties state that instead of addressing arguments on the merits of the writ petition, in view of the fact that the respondent had retired in the year 2005 and prior thereto, he was appointed on the post of Additional Member (Staff) in the Railway Board, the present petition may be disposed of while keeping the aforesaid legal issue open for a decision in an appropriate case.

4. Accordingly, while keeping open the legal issue raised herein with regard to the encadrement of the post of Additional Member (Staff) in the IRPS, to be considered, if raised in the future, in any case, the present petition is disposed of.

HIMA KOHLI, J

DEEPA SHARMA, J

SEPTEMBER 18, 2017/bg