

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1157 OF 2002

Union of India	.. Petitioner
Vs.	
R.R.Ingole	.. Respondent

Mr.Suresh Kumar, for the Petitioner.
Mr.Rahul Walia, for Respondent.

**CORAM : SMT. V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 18th JANUARY, 2018

ORDER (PER M.S.KARNIK, J.) :

1. The petitioner – Union of India by this Petition assails the order dated 25/10/2001 passed by the Central Administrative Tribunal, Mumbai in OA 545 of 1996. The respondent approached the Tribunal with a grievance that he has not been promoted to Permanent Way Inspector Grade I.

2. The Tribunal by the impugned order was pleased to hold for the reasons recorded in the order, the selection was not

conducted according to the prescribed procedure and rules. The selection dated 28/06/1998 for the post of PWI Grade I was set aside with direction to the petitioner to hold fresh written test in accordance with the rules and instructions on the subject and also not grant notional seniority marks for those who do not otherwise qualify in the written test. The Tribunal directed this to be done within a period of 3 months from the date of receipt of the copy of the order. In the meantime, those employees working on the basis of the selection held earlier were allowed to work on ad-hoc basis till a fresh examination is conducted and selections are made as per prescribed procedure and rules. OA was allowed to that extent.

3. Rule was granted in this Petition on 09/10/2007. No interim relief was granted at the stage of admission. Today, when the matter came up for final disposal, learned Counsel for the respondent pointed out that the respondent has already retired. In any case, the impugned order was passed by the Tribunal on 25/10/2001 and therefore, selection was to be

made in terms of order of the Tribunal within 3 months from the date of the receipt of the order of the Tribunal. The order of the Tribunal was not stayed by this Court. Even selections have proceeded in the light of the order passed by the Tribunal. No useful purpose would be served by interfering with the order passed by the Tribunal at this stage. Even otherwise it was for the respondent to have sought compliance of the order passed by the Tribunal at appropriate stage by filing appropriate proceedings. The respondent has now retired. In our opinion, with the passage of time, Writ Petition has worked itself out. No further orders are necessary on this Petition. The Petition is accordingly disposed of. Rule is discharged with no order as to costs.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)