

Court No. - 32

Case :- WRIT - A No. - 7735 of 2011

Petitioner :- Union Of India Thru G.M.,Northern Railway And Others

Respondent :- Central Administrative Tribunal And Others

Counsel for Petitioner :- Vivek Singh,Rajnish Kumar Rai

Counsel for Respondent :- S.C.

Hon'ble Arvind Kumar Tripathi,J.

Hon'ble Shailendra Kumar Agrawal,J.

Case called out. None present on behalf of respondents.

Learned counsel for the petitioners Union of India/ Railway Department informed the Court that he has taken steps for personal service. Affidavit of service was filed on 9.7.2013, however none appeared on behalf of respondents.

In view of the High Court rules, there is presumption of service of notice upon respondent nos. 2 to 8.

Heard learned counsel for the petitioners Union of India/ Railway Department.

That the present petition has been preferred under Article 226 of the Constitution of India against the impugned judgment and order dated 28.10.2010 by which the Central Administrative Tribunal, Allahabad has allowed the Original Application of the respondent nos. 2 to 8 and directed to regularise their services as Artisan with effect from the date since they were working.

Learned counsel for the petitioners submitted that the order of Tribunal is in respect of respondent nos. 2 to 8 to regularize their services is illegal, arbitrary and against the Rules because there was break of the services of respondent nos. 2 to 8, they were not in continuous service and as such they were not entitled for regularization. Apart from that they have not qualified in the suitability test and also in the screening test hence the direction for regularization from the date when they

were working as Trade Test is illegal.

There is no interim order, notices were issued on 10.9.2011. Since there is no stay order against the impugned order dated 28.10.2010, Annexure no.1 to the writ petition passed by the Central Administrative Tribunal, hence their services must have been regularized after filing of the writ petition. Respondents were aged about in between 52 to 54 years except respondent no.5 Radhey. The writ petition was filed in the year 2010, hence apart from that most of the respondents might have retired after attaining the age of superannuation i.e. 60 years.

Learned counsel for the petitioners Union of India/ Railway Department further submits that since the order has already been complied with, hence present petition has become infructuous, and may be dismissed as such.

Accordingly, the writ petition is hereby **dismissed**.

Order Date :- 11.1.2018

SFH