

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3530 of 2022

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1. Chandan Kumar Ram, Son of Lakshman Ram, Resident of Village- Gajhara, Police Station-Ladaniya, District-Madhubani.
 2. Bablu Kumar Mahto, Son of Devnarayan Mahto, Resident of Village Murlitol, Police Station-Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

1. The Union of India, through the Chairman, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi-110001
2. The Secretary, Ministry of Railway, Rail Bhawan, New Delhi-110001.
3. The General Manager, Eastern Central Railway, Hajipur, District Vaishali-844101
4. The Divisional Railway Manager, Pandit Deen Dayal Upadhyay Division, District Chandauli-232101.
5. The Divisional Personal Officer, Pandit Deen Dayal Upadhyay Division, District Chandauli-232101.
6. The Chief Medical Officer, Pandit Deen Dayal Upadhyay Division, District Chandauli-232101.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr.Dinesh Maharaj, Advocate
For the Respondent-Railway	:	Mr. Anshay Bahadur Mathur, CGC

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

- 2 19-04-2022 The petitioners have put to challenge an order dated 04.05.2021, passed by the Patna Bench of Central Administrative Tribunal, in O.A./050/00113/2021, whereby the the petitioners' application filed under Section 19 of the Administrative Tribunal Act has been held to have become infructuous by virtue of developments subsequent to filing of



the said application.

From the pleadings on record and the impugned order, it appears that the petitioners had approached the Central Administrative Tribunal for extension of their service as O.T. Assistant. They were temporarily engaged as O.T. Assistant to meet COVID-19 situation and their services were further extended till 31.12.2020.

It is also an admitted position that the petitioners were subsequently re-engaged for a period 25.04.2021 to 30.09.2021.

Considering the fact that the petitioners were re-engaged, the Tribunal held the application to have become infructuous and dismissed the same accordingly by the impugned order.

Learned counsel appearing on behalf of the petitioners assailing the impugned order has submitted that during the pendency of the application before the Tribunal, the Central Government had issued a letter dated 30.04.2021 extending re-engagement of retired para-medical staff and para-medical staff on contract basis within the sanctioned strength to meet the requirements for handling COVID-19 pandemic for a further period of six months beyond 30.09.2021 i.e., up to 31.03.2022. He submits that a request was made before the Tribunal on



behalf of the applicants for keeping the matter pending as they were not in possession of the said communication dated 30.04.2021.

In our considered opinion, this writ application is wholly misconceived. Apparently the petitioners were granted the relief by the Department while they were seeking before the Tribunal. The Tribunal, in such circumstance, rightly held the original application to have become infructuous. We do not find any illegal infirmity in the impugned order passed by the Tribunal. Referring to the communication dated 30.04.2021, learned counsel for the petitioners submits that the petitioners are still continuing. We fail to appreciate the reason why the petitioners have approached this Court by filing present writ application in the aforesaid background assailing the impugned order of the Tribunal.

This writ application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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