

6

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1232/2002

New Delhi this the 28th day of May, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri M.P.Singh, Member (A)

1. R.K.Sharma,
S/O Shri T.N.Sharma,
Flat No.381, Block-F
Sector-40, NOIDA
2. Shri Ram Babu
S/O late Shri Ram Prasad,
H.No.24-A/B-5, Dhawal Giri,
Sector-34, NOIDA.

..Applicants

(By Advocate Shri S.K.Gupta)

VERSUS

1. Union of India, through
Secretary,
Ministry of Commerce and Industry,
Department of Commerce,
Udyog Bhawan, New Delhi.
2. Development Commissioner,
Noida Export Processing Zone,
Phase-II, Noida-Dadri Road,
NOIDA.
3. Shri A.K.Gupta
Account, Tobacco Board,
Guntur (AP)

..Respondents

(By Advocates Shri B.S.Jain,
learned along with Shri B.K.
Aggarwal, learned counsel through
proxy counsel Sh.Rajeev Bansal
for respondents 1-2)

(By Advocate Shri Bimal Roy Jad
learned counsel through proxy
counsel Shri N.K.Gupta)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

This OA has been filed on 7.5.2002, in which the applicants have impugned the letter issued by respondents 1-2 on the subject of filling up the post of Assistant in

37

7

Noida EPZ, on deputation basis by appointment of Shri A.K.Gupta/respondent No.3 in their letter dated 2.5.2002 (Annexure 1).

2. The Tribunal by order dated 9.5.2001, for the reasons mentioned therein, had granted the interim relief as prayed for by the applicant for a period of fourteen days i.e. the respondents shall not act upon their letter dated 2.5.2002 till next date.


3. Shri B.S.Jain, learned counsel has submitted a counter reply on behalf of respondents 1-2 which is taken on record. Page 6 of this counter reply submitted on behalf of official respondents is the letter issued by them dated 24.5.2002. Shri S.K.Gupta, learned counsel for the applicant also relies on this letter. The relevant portion of this order reads as below:-

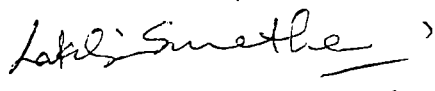
" I am directed to refer to your letter No.A.20011/12/97-Admn.dated 14.5.2002 forwarding therewith the para-wise comments of the Zone in the Original Application No.1232/2002 filed by Shri R.K.Sharma, UDC, Noida EPZ against the appointment of Shri A.K.Gupta, Assistant, Tobacco Board, Guntur to the post of Assistant in Noida EPZ on deputation basis in direct recruitment quota, in relaxation of the provisions of recruitment rules. In view of the reason that Shri Gupta is presently holding a higher scale of pay (Rs. 5500-175-9000) in his parent organisation and in terms of DOPT's OM No.2/29/91-Estt. (Pay-II) dated 5.1.94, he is not eligible for consideration to appointment to a post having lower scale of pay (Rs.5000-8000) in Nodia, EPZ. Therefore, approval of the Ministry conveyed to zone vide this Ministry's letter of even number dated 2.5.2002 is hereby withdrawn. This may please be brought to the notice of the Central Administrative Tribunal at the time of hearing of the case on 27.5.2002".

18. In view of the aforesaid letter issued by official

respondents 1-2 dated 24.5.2002, Shri S.K.Gupta, learned counsel submits that he does not wish to press the OA any further, as according to him the same has become infructuous. He, therefore, seeks permission of the Tribunal to withdraw the OA. We have heard Shri N.K.Gupta, learned proxy counsel for respondent No.3 as well as Shri B.S.Jain, learned counsel for respondents 1-2.

4. In view of the above facts and circumstances of the case, and taking note of the respondents' letter dated 24.5.2002 whereby the earlier impugned letter issued by them dated 2.5.2002 has been withdrawn. OA is disposed of as withdrawn. No order as to costs.


(M.P.Singh)
Member (A)


(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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