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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2814/2001

New Delhi, this 1st day of May, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Shri V.K.Majotra, Member(A)

1. Chander Pal Singh
H.A. c/o Head of Office (Horti)
11th Floor, MSO Building
IP Estate, New Delhi
2. Rajinder Singh, Demonstrator
c/o Joint Director(Agri)
Mori Gate, Delhi
3. Sant Lal
H.A. c/o Head of Office (Horti)
11th Floor, MSO Building
IP Estate, New Delhi
4. Mohinder Pal Singh
EO(A), c/o B.D.O.Alipur, Delhi
5. Mohinder Singh
H.A. c/o Head of Office (Horti)
11th Floor, MSO Building
IP Estate, New Delhi
6. Jagpal Singh
EO(A) c/o Joint Director(Agri)
Mori Gate, Delhi
7. Harvir Singh Sharma
H.A. c/o Head of Office (Horti)
11th Floor, MSO Building
IP Estate, New Delhi
8. A.N. Mishra
E.O.(A) c/o B.D.O.Nangloi, Delhi .. Applicants

(Shri A.K. Bakshi, Advocate))

versus

Govt. of NCT of Delhi, through

1. Chief Secretary
5th Floor, Players Building
Delhi Secretariat, New Delhi
2. Secretary(Services)
Service Department
7th Floor, B Wing, Players Building
Delhi Secretariat, New Delhi
3. Development Commissioner
5, Sham Nath Marg, Delhi
4. Karamvir
5. Ashok Kumar
6. R.C. Rana
7. Harbir Singh
8. Rajpal Singh
9. Bijendra Singh
10. Dalip Singh
11. Satya Kumar
12. Yogendra Singh
13. S.C. Sharma
14. Rajendra Singh
15. Mishri Lal Yadav
16. Somvir Arya

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17. Ram Avtar Gupta
18. Suresh Kumar
19. Amar Singh Kadam
20. Nepal Singh (R-4 to R-20 to be served through R-3) .. Respondents
(Shri Ajesh Luthra, Advocate)

ORDER(oral)

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

OA-2814/2001 and MA-2269/2002 have been listed along with MAs 224/2002 and 992/2003 in OA-1382/2002 which have been disposed of as withdrawn by order of even date.

2. We have heard learned counsel for parties in MA-2269/2002 filed by the applicants in OA-2814/2001. Learned counsel for applicants has submitted that when he filed OA on 12.10.2001, he had challenged the administrative order issued by the Lt. Governor of Delhi dated 12.6.2000 (Annexure A-1) in which names of 19 persons had been mentioned who were included in the consideration zone for promotion to Grade-I DASS Cadre. In MA-2269/2002 what has been prayed for by the applicants is that they may be allowed to amend the OA to impugn also the Notification dated 21.1.2002 which according to the learned counsel for applicants is a re-production of the earlier administrative order dated 2.6.2000 except omitting the names of the 19 persons.

3. On the other hand Shri Ajesh Luthra, learned counsel has rightly submitted that in the OA the applicants have challenged the order passed by the competent authority which is of an administrative nature and what is sought to be challenged is by way of an amendment of the OA is a

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legislative action of the competent authority, i.e., the Notification dated 21.1.2002 published in Delhi Gazette. This, according to him, changes the very nature of the reliefs prayed for in the OA which the applicants cannot do by way of an amendment. He has submitted that if the applicants are aggrieved by the Notification, they can file a separate OA.

4. We have considered the relevant facts and submissions made by learned counsel for parties in MA-2269/2002. As mentioned above, we find force in the submissions made by the learned counsel for respondents and in the circumstances of the case, MA-2269/2002 is rejected.

5. After the above order was passed, Shri Arvind Kumar Bakshi, learned counsel for applicants prays that he may be allowed to withdraw the OA and proceed in the matter in accordance with law.

6. Noting the above submissions, OA dismissed as withdrawn with liberty in accordance with law.


(V.K. Majotra)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

cc.