

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2417/97

New Delhi this the 16th day of October 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Mr K. Muthukumar, Member (A)

Dr S.L. Misra
Ex Senior Scientific Officer (Gr.II)
Army Hospital, Delhi Cantt.-10
R/o C4E/118 Pocket-8, Janakpuri
New Delhi - 110 058. ...Applicant.

(Applicant in person.)

Versus

Union of India through

1. The Secretary
Ministry of Defence
South Block, New Delhi.
2. The Scientific Adviser to Defence Minister &
Director General, Research & Development
Ministry of Defence
New Delhi.
3. Director MS (Civ.) DGMS-3 (B)
Dte General Medical Services (Army)
'L' Block, Central Secretariat
New Delhi.

(By advocate : None)

O R D E R (oral)

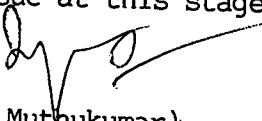
By Dr Jose P. Verghese, Vice Chairman (J)

Petitioner in this OA stated that the respondents have delayed his encadrement to the post of Senior Scientific Officer Grade-II which is an isolated post for the last 30 years. The petitioner approached this Tribunal with OA 805/96 and this Tribunal by its order dated 7.11.96 stated that the proposal pending before the respondents in case of stagnation was being considered and the petitioner's representation was also pending before the respondents. The said OA was disposed of with a direction to the respondents to dispose of the pending representation.

(M)

2. Subsequently, the petitioner filed CP 202/97 wherein the order was passed on 10.9.97. Since the respondents had disposed of the representation by a speaking order, the CP was not maintainable and as such an opportunity was given to the petitioner to challenge the order in response to the representation. The present petition is challenging the order wherein the respondents have denied relief to the petitioner on the ground that the delayed decision being taken is for encadrement but only with prospective effect. The petitioner's case is that since the proposal for removing stagnation was pending, his case may be adjudicated by this Tribunal in this OA. On the other hand, on record, we find that the claim of the petitioner has been pending since last 30 years.

3. In the circumstances, we find no merit to adjudicate this issue at this stage and dismiss the same. No order as to costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice Chairman (J)

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