

9.

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

(Applicant in person.)

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)

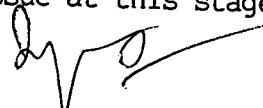
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2. Subsequently, the petitioner filed CP 202/97 wherein the order was passed on 10.9.97. Since the respondents had disposed of the representation by a speaking order, the CP was not maintainable and as such an opportunity was given to the petitioners 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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