

Central Administrative Tribunal
Principal Bench, New Delhi.

RA-229/2004
MA-1715/2004
OA-726/2000

(27)

New Delhi this the 15th day of October, 2004.

Hon'ble Shri Shanker Raju, Member(J)
Hon'ble Shri S.A. Singh, Member(A)

V.K. Naithani,
S/o Sh. S.P. Naithani,
R/o 52-B, KJ Apartments,
Sector-53, Noida. Review Applicant

(Present : None even on second call)

Versus

1. The Addl. Secretary(SR),
Cabinet Secretariat,
Govt. of India,
Bikaner House(Annexe),
Shajhan Road,
New Delhi.
2. The Director,
Aviation Research Centre,
Cabinet Secretariat,
Block-V, East, R.K. Puram,
New Delhi-66.
3. Sh. Bhagat Ram,
S/o late Sh. Kartara Ram,
Assistant Director,
Aviation Research Centre,
Block-V, East, R.K.Puram,
New Delhi-16. Respondents

Order (Oral)

Hon'ble Shri Shanker Raju, Member(J)

Applicant assails the Tribunal's order passed in OA-726/2000 dated 18.9.2001. In so far as grant of consequential benefits on notional promotion is

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concerned, it is contended that the Tribunal has inadvertently noted and granted the aforesaid relief to the applicant which view is fortified by decision of the Hon'ble Karnataka High Court in the case of Sheikh Mehboob Vs. Railway Board and others (1982(1)SLR455).

2. This RA is proceeded against under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. Para 228 of the IREM Vol.1 and its validity has been upheld by the Hon'ble Rjasthan High Court in the case of U.O.I. & Ors. Vs. CAT&Ors. (ATJ 2004(1)141). In this view of the matter on the principle of no work no pay, the aforesaid relief has not been granted to the applicant. It is trite law that if a relief is not granted, it is deemed to be rejected though prayed for in the OA. In this view of the matter, we do not find this RA within the scope and ambit of Section 22(3)(f) of the Administrative Tribunals Act, 1985, which is accordingly dismissed. No costs.


(S.A. Singh)

Member(A)


(Shanker Raju)

Member(J)

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