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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO. 441/89

New Delhi this 22nd day of February 1994

The Hon'ble Mr. J.P. Sharma, Member (J)
The Hon'ble Mr. B.K. Singh, Member (A)

Shri K.C. Sharma,
son of Shri R.N. Sharma,
Resident of B-12/174 Lodi Colony,
New Delhi-110 003. ... Applicant

(By Advocate: Shri S.S. Tiwari)

Versus

1. Union of India
through Secretary,
Ministry of Industry,
Udyog Bhawan,
New Delhi.
2. Secretary (TD) and
Director General of Tech. Development,
Udyog Bhawan,
New Delhi.
3. Director (Admn.), DGTD,
Udyog Bhawan,
New Delhi ... Respondents

(By Advocate Shri PP Khurana)

O R D E R (ORAL)

Hon'ble Mr. J.P. Sharma, Member (J)

The grievance of the applicant is regarding fixation of his seniority on the basis of continuous length of uninterrupted officiating service on the basis of Assistant Development Officer in Director General of Technical Development (DGTD), Ministry of Industry. The applicant has prayed for the grant of the reliefs that the impugned order dated 17.2.1989 be quashed and the respondents be directed to give the applicant his due in the seniority list both of Assistant Development Officer and Development Officer as well as the consequential benefits accruing therefrom. He has also prayed for the

direction to make promotion only after fresh seniority list is prepared as well as fresh DPC take place.

2. The respondents in their counter have opposed the grant of the relief.

3. We have heard the learned counsel for the parties and the applicant's counsel alongwith M.A. No. 2026/92 filing certain copy of the judgement delivered by the Principal Bench by its order dated 31.10.1990 in a bunch of OAs No. 818/87, 1047/87, 1070/87 and 1390/88. Today at the time of hearing he has also filed the judgement in RA No. 95/91 arising out of O.A. No. 1390/88 decided by the Principal Bench on 1.10.1981.

4. The learned counsel for the applicant also pointed out that the applicant has since been granted the benefit of the judgement earlier delivered in the cases referred to above, and a contempt petition filed by those petitioners is pending before the Principal Bench. His only apprehension is that he may now be granted the consequential benefits in toto.

5. The learned counsel for the respondents, however, argued that the application has become infructuous because the case of the applicant has already been considered by the respondents on the basis of revised seniority list of ADO, prepared in accordance with the direction issued in the earlier judgement.

6. We, therefore, do not touch the merit of the case at this stage and dispose of the application that the respondents are already in the process of granting the reliefs prayed for in the application, on the basis

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of the revised seniority list of ADD/DD. If the applicant feels that he is aggrieved, then he can assail the grievance, when it arise to him by filing application if so advised according to law. The present application, therefore, is disposed of with the above observation leaving the parties to bear their own costs.



(B.K. Singh)
Member(A)



J.P. Sharma
Member(J)

Mittal