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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 764 198 7
~~TA No.~~
xxxxxxx

DATE OF DECISION : 10.3.1987.

SH. GAJENDRA SINGH Petitioner

Ms. MAJA DARDOWALA Advocate for the Petitioner(s)

Versus

UNION OF INDIA Respondent

SH. D.P. KSHYATRIYA for SH. N.S. MENON Advocate for the Respondent(s)
MEHTA.

CORAM :

The Hon'ble Mr. P. Srinivasan, Member (A)

The Hon'ble Mr. Ch. Ramakrishna Rao, Member (J)

(Judgment delivered by Hon'ble Shri P. Srinivasan, Member (A)).

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes, if asked for
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? —

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J U D G M E N T

In this application, the applicant, who is an Officer of the Indian Foreign Service ('IFS'), has challenged rule 8 of the IFS (Conduct & Discipline) Rules, 1961, by which a member of the said service is prohibited from contracting a marriage with a foreign citizen. The contention of the applicant is that this rule is discriminatory against members of the IFS, because ~~xx~~ members of other services are not subject to a total prohibition but have only to obtain the permission of the Government before they can contract a marriage with a foreign citizen. The applicant, therefore, wants this Tribunal to strike down that rule as unconstitutional. As a sequel to this prayer, he ^{has} also sought a direction to the respondents that they should permit the applicant to marry the person of his choice. After this application was filed, the relevant rule has been changed. As amended by Notification No. 1/GA/87 dated 15th January, 1987, the rule relevant for our purpose reads thus:

"8(1): No member of the Service shall contract a marriage with any person other than an Indian citizen without the prior permission in writing of the Government."

In effect therefore, the grievance of the applicant has already been duly remedied and the discrimination alleged by him against officers of the IFS has been removed. We understand that the applicant has made an application to the authorities concerned in pursuance of the amended rule 8 for permission to marry a Romanian citizen and that ^{that} application is pending for consideration.

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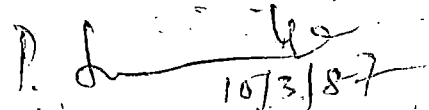
2. Shri O.P. Kshyatriya, appearing on behalf of Shri N.S. Mahta, counsel for the respondents, assures us that a decision on the applicant's request for permission to marry a Romanian citizen will be conveyed by the respondent by the 10th of April, 1987.

3. In view of the above, Ms. Maja Daroovala, learned counsel for the applicant, seeks permission to withdraw this application.

4. Permission sought for is granted and the application is dismissed as having been withdrawn. Parties will bear their own costs.



(CH. RAMAKRISHNA RAO)
MEMBER (J)
10.3.1987.


10/3/87

(P. SRINIVASAN)
MEMBER (A)
10.3.1987.

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