

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

* * *

OA 802/87

13.10.1992

Shri C.K. Jain

...Petitioner

vs.

Union of India & Ors.

...Respondents

OA 803/87

Shri Jaspal Singh

...Petitioner

vs.

Union of India & Ors.

...Respondents

CORAM :

Hon'ble Shri I.K. Rasgotra, Member (A)

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

For the Petitioners ... Shri J.S. Bali

For the Respondents ... Shri N.S. Mehta

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)
(DELIVERED BY HON'BLE SHRI I.K. RASGOTRA, MEMBER (A))

OA 802/87 filed by the petitioner, Shri C.K. Jain and OA 803/87 filed by the petitioner, Shri Jaspal Singh were heard together. The petitioners have prayed for identical reliefs. After the case was heard for some time, it appeared that the main relief, which was now being prayed for was for regularisation of the service of the petitioners as SSO-II w.e.f. 4.6.1986 instead of 18.11.1988, as has been in the order dt. 4.1.1989 promoting both the petitioners on regular basis w.e.f. 18.11.1988. The relief agitated before us by learned counsel petitioner is thus ante dating the regular

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promotion w.e.f. 4.6.1986, which is not the relief prayed for in the OA nor in own opinion does it flow from the pleadings. It is in this background the learned counsel for the petitioners has prayed that he be allowed to withdraw both the petitions with liberty to file fresh OAs, if so advised.

We also observe that in both the cases, the petitioners were allowed to continue as SSO-II even though they were reverted to the post of Senior Scientific Assistant in accordance with the interim orders passed by the Tribunal on 16.6.1987. Keeping in view the totality of the circumstances and prayer of the learned counsel for the petitioners, we are inclined to accept the prayer to allow the withdrawal of the OAs with liberty to agitate the matter afresh in accordance with law, if so advised. Both the OAs are accordingly dismissed as withdrawn reserving liberty to file fresh OAs if so advised in accordance with law.

J. P. Sharma
(J. P. SHARMA)
MEMBER(J)
13.10.1992

L. K. Rasciorra
(L. K. RASCIORRA)
MEMBER(A)
13.10.1992

Attested his copy
Anil Silwal
Court Officer
Court No. 1