

14.9.90.

DA 1247/90.

3

Applicant through counsel Shri K.N.R. Pillai.
On behalf of the respondents Shri M.M. Sudan,
Counsel, is present.

We have heard Shri K.N.R. Pillai, learned
counsel for the applicants and Shri M.M. Sudan,
learned counsel for the respondents. The latter
pointed out that Annexure R-I filed along with
the counter affidavit dated 28.8.1990 states that
the matter has been considered by the Delhi
Administration and they have taken a decision
that the financial pattern approved by Govt. of
India for implementation of Scheme of Adult
Education under National Literacy Mission has
to be followed. The reason to abolish the
posts is the ~~xxxxx~~ financial constraints of
the scheme.

We find that the relief asked for in this
DA is for a direction to the respondents not
to proceed with the impugned selection of Project
Officers on honorarium basis without the Lt.
Governor, Delhi, first announcing his decision
on the representation submitted by the applicants
and others in pursuance of the judgement dated
19.12.89 of this Tribunal in DA 2450/89. The
decision taken by the Delhi Administration complies
with the prayer made in the O.A. In the written
statement filed on behalf of the respondents, it
has been mentioned that the Lt. Governor has
considered and rejected the representations of
the applicant vide order dated 28.8.1990. We
are of the view that the DA has become infructuous
as the above reliefs stand decided and no further
relief has been asked for.

6

It is also necessary to mention that, in the meantime, the applicants have filed a fresh OA 1822/90 in which they have challenged the aforesaid order of 28.8.1990 and have also obtained an ex-parte order staying the operation of the aforesaid order dated 28.8.1990. The matter has been ordered to be listed before the Bench concerned on 24.9.1990.

In view of the above, we are of the view that the present OA has become infructuous and must fail on this ground alone. However, we direct that dismissal of this OA will have no effect on the subsequent OA 1822/90. In case the applicants are desirous of safeguarding their interest, they are free and they can approach the Bench concerned dealing with OA No. 1822/90.



(B.C. MATHUR)
VICE-CHAIRMAN (A)

14.9.90.



(AMITAV BANERJI)
CHAIRMAN

14.9.90.

SRD