

14.9.90.

OA 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 OA 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 OA 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 OA has become infructuous as the above relief stands decided and no further relief has been asked for.

(b)

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

SRD

14.9.90.

(AB)
(AMITAV BANERJI)
CHAIRMAN

14.9.90.