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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH.
NEW DELHI.

Date of Decision: 14.05.1992
OA 2875/1991

K.S. KUMARESAN ... APPLICANT.

VS.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant ... Shri V.K. Rao

For the Respondents ... Ms. Nisha Sahai,
proxy counsel for
Shri M.L. Verma

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporters or not?

JUDGEMENT (ORAL)
(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicant has filed this Original Application assailing the order of his transfer dated 31.3.86 as well as the Circular dated 13.6.91 (Annexure A-2) of the application, issued by Ministry of Agriculture regarding seniority list of Stenographer Grade-D of CSSS borne on the combined cadre of Department of Fertilisers and Department of Chemicals & Petrochemicals. The

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relief claimed in this application is for setting aside the transfer of the applicant made vide Office Order No.14 of 1986 dated 13th March, 1986 with all consequential benefits and placing the applicant in his original cadre i.e. in Respondent No.1 strength.

2. The respondents have contested this application and filed their reply. Preliminary objections on the maintainability of the application has also been taken. The respondents have also contested the application on merit.

3. The matter was also heard on the last occasion on 6.5.92 when the file was perused and the pleadings was scrutinised, the learned counsel was pointedly asked whether the present application has not become infructuous as the relief-1 & 2 prayed in the application are no longer ~~be~~ pressed regarding the transfer of the applicant. The learned counsel Shri V.K. Rao prayed for certain time and the same was granted till today. It appears that he has desired to move an amended application.

.....3.

4. The learned counsel has pointed out that in fact in para-1 of the application a reference is also made to Circular dated 13.6.91 issued by Respondent No.2 against with the applicant is also aggrieved. When the learned counsel was desired to go through the aforesaid Circular dated 13.6.91/ 29.5.91 it only goes to show that only persons likely to be effected by the seniority list of Stenographer Grade-D of CSSS were asked to make a representation within 15 days from the date of the order. As such it is not a seniority list in itself. It is a right given to all the effected persons, may be the applicant also, to represent against any infirmity in the seniority list and make representation with regard to that. In fact, the applicant should not be aggrieved by such order. The seniority list alleged by the learned counsel for the applicant is not at all been filed in this case. Nor there is any prayer in the relief para-8 of the Original Application regarding the seniority of the applicant either to be upgraded or modified vis a vis other persons in the same cadre of Stenographer Grade-D.

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5. The learned counsel Shri V.K. Rao insisted that the applicant has not come and he has to take instructions. However, in view of the position which is made out from the file, I do not find that there is any occasion or any reasonable cause ^{to} clause to give further adjournment in the matter.

6. In view of the above facts, the present application is disposed of as having been become infructuous as the relief prayed for in para-8 of the application are not being pressed, with the liberty to the applicant to assail the matter of seniority of the Stenographer Grade-D in the proper forum, if he so advised, subject to the law ^{of limitation}.

In the circumstances, parties are left to bear their own costs.

J. P. Sharma
(J.P. SHARMA) 14. 5. 92

MEMBER (J)