

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No2503/92

New Delhi this the day of 23rd November, 1993.

HON'BLE MR J.P. SHARMA, MEMBER (J)
HON'BLE MR B.K. SINGH, MEMBER (A)

Shri K.P. Sunny,
S/o Shri Poulcse
R/o Qr No 15, Type II,
FTI Campus,
Vivek Vihar, New Delhi

...Applicant

(By Advocate Shri G.D. Gupta)

VERSUS

Delhi Administration through :-

1. Chief Secretary,
Delhi Administration,
5, Alipur Road,
DELHI
2. The Secretary (Services)
Delhi Administration
5, Alipur Road,
Delhi.
3. The Director Training &
Technical Education,
Rouse Avenue,
NEW DELHI-2

...Respondents

(By Advocate Shri D.P. Malhotra)

ORDER (Oral)

(By Hon'ble Mr J.P. Sharma, Member (J))

In O.A. 2503/92 the grievance of the applicant is that along with others he was also considered for promotion to the Grade III of DASS, i.e. in the Cadare of U.D.C. in the Delhi Administration and by the Order 31st December, 1991 applicant was given promotion to the Grade of U.D.C. His name appearing at Serial No.191 (Annwure I) but in the remarks Column this promotion was made subject to verification of the Head of the Department of A.C.R. from 1.04.1987 to 18.01.1988, if not adverse.

2. The aforesaid Order dt. 31.12.92 shows that 245 L.D.C.s were given such promotion of all categories.

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The applicant made a representation in January, 1992, but to no effect and he filed the present application on 25th September, 1992 praying for the grant of relief that the applicant be given promotion to the ^{post of} Grade III DASS w.e.f. 31.12.1991 when the juniors in the service were promoted, with all consequential benefits. He has also claimed arrears of salaries on account of the difference of pay, which he has not received along with 18% per annum interest.

3. A notice was issued to the respondents on 12.12.92. The respondents did not file any reply. The O..A. was admitted on 18.02.93 and further opportunity was given to the respondents to file the reply. The respondents did not care to file any reply. The Registry has, therefore directed the matter to be listed before the Bench today.

4. We have heard the learned counsel for the applicant and he has placed before us an order dt 16.11.92 issued on behalf of Delhi Administration, giving the applicant promotion to the Grade of U.D.C. Gr III DASS in pursuance of the letter dated 31.12.91 that has been taken on record and is extracted below :-


"In pursuance to the Directorate of Training and Technical Education, Grade NoF3(6)/91/600/19254 dt 12.11.92 Shri K.P. Sunny M.P. AOC is hereby relieved of his duties with effect from 31.1.1992 (F.N.) with the direction to report for further promotion as Grade III (DASS/U.D.C. in Flood Department, Delhi Admn., Delhi."

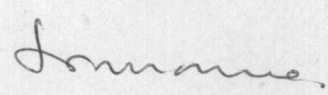
In view of the facts and circumstances the application has become infructuous.

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5. However, the learned counsel for the applicant at the fag end desired that if direction be issued to the respondents to pay him unpaid salaries for the period from 31.12.1992 to the date of joining in the Cadare of U.D.C. in the Flood Relief Department. In spite of the opportunity available this amendment has^{not} been sought in the Original Application nor any such relief has been claimed. The Tribunal cannot grant a relief which has not been prayed for.

6. This application has, therefore, become infructuous with the liberty to the applicant to make a representation, if so, advised regarding payment of salary etc due by virtue of letter dated 16.11.92 and if, he is still aggrieved, he can assail his right at the appropriate forum in accordance with law. The O.A. is accordingly disposed of and the parties to bear their own costs.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)