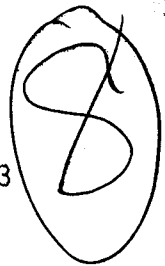


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.2894/92

Date of Decision: 29.04.1993



Smt Saroj Bala Chawla Applicant

Versus

Lt. Governor of Delhi Respondents

Shri R.K. Kapoor Counsel for the applicant

Ms. Ashoka Jain Counsel for the respondents

O R D E R (Oral)

(delivered by Hon.Vice Chairman(A) Shri N.V. Krishnan)

This application has come up for final hearing today, in the light of the direction given by us on 15.4.93.

2. The applicant was appointed as Deputy Education Officer, Zone-13 in pursuance of the order dated 13.5.86 of the respondents and she joined the post on 14.5.93 (Annexure A-2). It is stated that the post of Deputy Education Officer is equivalent to the post of Principal. The applicant's grievance is that the impugned order dated 3.11.92 (Annexure A-5), states that the DPC held a meeting in the office of the UPSC and considered the officers mentioned in that annexure, which includes the applicant also, for regularisation to the post of Principal, but they have not been found suitable for the post and hence, it is further stated that the Administrator has ordered their reversion to the post of Vice Principal.

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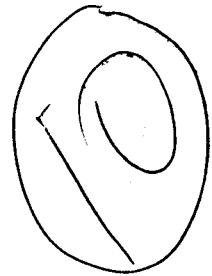


3. It is on receipt of this order, that this application was filed on 6.11.92 for setting aside the Annexure A-5 order. An interim direction was issued on 12.11.92 to the respondents to maintain the status quo of the application as on that date, which was that of a Principal, and this order has been continued from time to time, till date.

4. In the meanwhile, the applicant sent a notice on 14.1.93 which is now produced as (Annexure P-A) to the additional affidavit filed by the applicant taking note of the proceedings dated 15.4.93, to the 2nd respondent intimating him that she seeks voluntary retirement w.e.f. 1.5.93. This was followed by another letter dated 20.1.93 (Annexure P-B) reiterating that the applicant has irrevocably decided to retire herself finally and sought permission to file her pension papers.

5. When these facts were brought to our notice on 15.4.93, we enquired of the learned counsel for the respondents whether, in view of the aforesaid interim order that has been continuing till then and also taking note of the applicant's prayer for voluntary retirement from 1.5.93, this application cannot be disposed of, without going into its merits, if we knew the decision of the respondents in respect of the Annexure P-A notice seeking voluntary retirement.

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6. Today, when the case came up for final hearing, the learned counsel for the applicant produced for our perusal an order of the respondents dated 21.4.93 accepting the voluntary retirement of the applicant w.e.f. 1.5.93 as DEO/Principal, making it clear, that it was issued without prejudice to the order that may be passed by us in this OA. A copy of that order has been kept on record.

7. We asked the learned counsel for the respondents whether, in view of this development, we should not record that this applicant^{tion} has become infructuous. In response, she submitted that while the respondents have no objection to such a disposal of the OA, she clarified that the acceptance of the retirement of the applicant vide the order dated 21.4.93 was also without prejudice to the stand taken by the respondents in similar applications filed by others before this Tribunal and that this might also be recorded in the order.

8. Our only observation is that it was open to the respondents themselves to incorporate this stipulation in the order dated 21.4.93. Nonetheless, we see no objection in acceding to the respondent's request and therefore, we note this submission for purpose of record.

9. In the circumstances, we, extend the interim stay order granted to the applicant till 1.5.93 and keeping in view the order issued on 21.4.93 by the respondents

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accepting the voluntary retirement of the applicant as
DEP/Principal from 1.5.93, we find that it is not necessary
to go into the merits of the case as the OA has become
infructuous. It is, therefore, dismissed as having become
infructuous.

hstom
(C.J. ROY)
MEMBER(J)
29.4.93

Chia
(N.V. KRISHNAN)
VICE CHAIRMAN(A)
29.4.93

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