

Central Administrative Tribunal
Principal Bench: New Delhi
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OA No.720/92

New Delhi, this the 11th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

Hon'ble Shri N.Sahu, Member (A)

Yanambaka Subba Rao,
s/o Late Y. Narasayya,
Divisional Engineer,
Legal Cell,
14th Floor, Telephone House,
..... Applicant
Bombay.

(By VSR Krishna)

vs.

Union of India through

1. The Secretary,
Department of Telecommunication,
Ministry of Telecommunication,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi - 110 001.

2. The Director (ST-II),
Government of India,
Telecom Commission,
Sanchar Bhawan,
20 Ashoka Road,
New Delhi.

(By Advocate; Shri K.R. Sachdeva)

... Respondents

. O R D E R (ORAL)

Dr. Jose P. Verghese, Vice-Chairman (J)

The petitioner in this case is already
superannuated and thereafter he expired on 16.10.1995
during the pendency of this OA.

2. The claim of the petitioner in this OA was
that he was wrongly excluded from consideration for
promotion to the post of ad hoc JAG at the time when his
juniors were considered in October, 1989 and the said
exclusion is stated to be on the basis of contemplated
disciplinary proceedings initiated against the petitioner.

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Counsel for the respondents also stated that thereafter a chargesheet was issued on 16th April, 1992 i.e. about one month's before the superannuation and thereafter by an order dated 12.3.1997 the disciplinary proceedings initiated against the petitioner, late Y. Subba Rao, were withdrawn after recording a displeasure.

3. Whether this petition can survive in the name of the legal heirs or not is the only question to be decided. An application to bring the legal heirs on record has now been presented to the court and since the said application, even if taken on record, will be belated one for two years which would be much beyond the time given under the law.

4. In the circumstances after going through the entire case, we find that it is not a fit case to condone the delay in filing this MA for bringing the legal heirs on records. As such this application is rejected and in the result the OA stands abated. There shall be no order as to costs.

Narasimha Sahu
(N. Sahu)
Member (A)

J.P. Verghese
(Dr. Jose P. Verghese)
Vice-Chairman (J)

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