

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1125/93New Delhi: this the ^{4th} day of June, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Vijay Kumar Kaul,
 S/o Late Sh. B.N. Kaul,
 R/o H-3, I.N.A. Colony,
 New Delhi

..... Applicant.

(By Advocate: Shri N. Safaya).

Versus

Union of India,
 through

Secretary,
 Ministry of Civil Aviation and Tourism,
 Sardar Patel Bhawan,
 Parliament Street,
 New Delhi. Respondents.

(By Advocate: Shri P. H. Ramchandani)

ORDERHON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

Heard.

2. As regards the prayer for relief in paras 8(a) and 8(b) of the OA, in the light of the contents of the affidavit dated 24.5.99, filed by respondents and taken on record in which it has been clearly stated that the Dte. General, Civil Aviation did not have any post of Aerodrome Asstt. or Asstt. Aerodrome Officer available with them during the period 1989-93 consequent to the entire cadre being placed with NAA after 1986, respondents had no alternative but to place applicant in the surplus cell vide impugned order dated 9.3.93 (Annexure- Q) in the background of applicant's opting not to be absorbed in NAA. Hence neither of these reliefs can be granted to applicant.

3. As regards the alternative relief contained in para 8(c), applicant having once conveyed his option not to be absorbed in NAA, the question of directing respondents to direct NAA to reconsider the case does not arise in the absence of any rules or instructions permitting such reconsideration.

4. The OA is therefore dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

Andhra
(S.R. ADIGE)
VICE CHAIRMAN(A).

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