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Central Administrative Tribunal
Principal Bench

O.A. No. 1752 of 1993
M.A. No. 1676 of 1999

New Delhi, dated this the 6th August, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Madhukar,
R/o 51, Delhi Admn. Flats,
Greater Kailash-I,
New Delhi-110048. Applicant

(By Advocate: Shri A.K. Behera)

Versus

1. Union of India through
the Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Chief Secretary,
Delhi Administration,
5, Shyam Nath Marg,
Delhi-110054.
3. Secretary (Services),
5, Shyam Nath Marg,
Delhi.
4. Secretary,
U.P.S.C., Dholpur House,
New Delhi.
5. Shri J.M. Quereshi,
Member, UPSC,
Dholpur House, New Delhi.
6. Shri Sanat Kaul,
Chief Secretary,
Andaman & Nicobar Islands.
7. Shri L.B. Sinate,
Director,
Ministry of Home Affairs,
North Block,
New Delhi.
8. Shri R.R. Shah,
Jt. Secretary,
Ministry of Home Affairs,
North Block,
New Delhi. Respondents

(By Advocates: Shri N.S. Mehta
Shri Raturi proxy counsel
for Shri G.D. Gupta for pvt. respondents
None for other respondents)

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ORDER (Oral)

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

We have heard both sides on M.A. No. 1676 of 1999 filed by respondents contending that O.A. No. 1752/93 has become infructuous in view of Respondents' orders dated 9.8.96 superceding the impugned order dated 9.11.93.

2. Under the circumstances with the consent of Shri Behera this O.A. is dismissed as having become infructuous, with liberty granted to applicant that in the event he is aggrieved by Respondents' order dated 9.8.96 it will be open to him to challenge the same in accordance with law if so advised. In this connection Shri Mehta has very fairly conceded that limitation against applicant would run only w.e.f. the date copy of M.A. No. 1676/99 was served upon applicant i.e. on 4.8.99 and accordingly we hold that in the event applicant impugns respondents' order dated 9.8.96 the limitation will run against him only from 4.8.99.

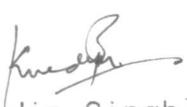
3. Furthermore, in the interest of justice we direct that in the event applicant impugns respondents' order dated 9.8.96 the case shall be heard on top priority basis immediately after the

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pleadings are completed at the admission stage itself.

4. Subject to the above the O.A. is dismissed as withdrawn.


(Kuldip Singh)
Member (J)

/GK/


(S.R. Adige)
Vice Chairman (A)