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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 712/93

New Delhi this the 20th day of December, 1993

CORAM :

THE HON'BLE MR. JUSTICE B. C. SAKSENA, VICE CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

A. N. Vij S/o Shri J. R. Vij,
Post Graduate Teacher (Mathematics),
G.B. (M) Sr. Sec. School,
Kalyan Vas, Delhi.
C/O Shri B. S. Mainee,
Advocate,
240, Jagriti Enclave,
Delhi - 110092.

... Applicant

By Advocate Shri B. S. Mainee

Versus

1. Union of India through
Chief Secretary,
Delhi Administration,
Civil Lines, Delhi.

2. The Director of Education,
Delhi Administration,
Old Secretariat,
Civil Lines, Delhi.

3. The Dr. Director (Education)
East District, Delhi.

... Respondents

By Advocate Mrs. Meera Chhiber

O R D E R (ORAL)

Hon'ble Mr. Justice B. C. Saxena —

The learned counsel for the respondents has placed before us a copy of order dated 1.11.1993 by which the impugned orders dated 28.4.1992 and 1.5.1992 have been set aside by allowing the appeal preferred by the applicant.

2. Shri Mainee, learned counsel for the applicant prays for heavy costs being ordered against the respondents. Learned counsel for the respondents also placed before us copy of a written statement

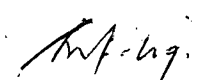
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proposed to be filed in this case. It has been pointed out that in view of the order dated 1.11.1993, no occasion to file the written statement now arises. The learned counsel for the respondents also indicated that Annexure A-13 which is a copy of the appeal which the applicant had preferred was addressed to the Chief Secretary who was the second appellate authority and that it was, therefore, made to an authority who has no jurisdiction in the matter. The appeal was directed against the order dated 28.4.1992 and had been filed on 15.12.1992, about eight months after the order. We find force in the submission made by the learned counsel for the respondents that the appeal on both the grounds, namely, being addressed to a wrong authority and barred by limitation, could have been rejected straightaway.

3. In the circumstances of the case, we do not find any justification for imposing costs on the respondents. We may, however, express a wish that the opposite parties may in future be a little careful and pass necessary orders immediately or at least file written statements in time. No other observation is called for.

4. The D.A. is dismissed as having become infructuous, No costs.


(S. R. Adiga)
Member (A)


(B. C. Saksena)
Vice-Chairman (J)

/as/