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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 1ST DAY OF NOVEMBER, 2000

Original Application No.854 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

S.S.Rao, son of Shri S.Rama Rao  
Principal Scientific Officer  
Officiating Controller  
Controllerate of Quality Assurance(Materials)  
Govt. Of India, Ministry of Defence  
Kanpur Cantt. 208 004

.. Applicant

(By Adv: Shri M.K.Upadhyay)

Versus

1. Union of India through the  
Secretary (DP&S) Govt. of India,  
Ministry of Defence, Room No.136,  
South Block, New Delhi.
2. Director General of Quality Assurance  
Govt. of India, Ministry of Defence  
Room No.234, South Block,  
New Delhi.

.. Respondents

(By Adv: Shri A.Mohiley)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

M.A.2272/2000 has been filed stating that the application has become infructuous and may be dismissed as such. The reason stated for the aforesaid is that Shri A.P.Jain who was sent on deputation has joined the post, on which the applicant S.S.Rao was promoted. As Shri A.P.Jain has resumed duties on the basis of the order passed by the Hon'ble Delhi High Court in Writ Petition No.3114/97, the applicant's promotion was conditional and subject to the order passed in the writ petition. The post against which

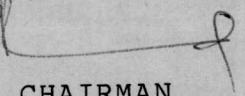
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applicant has raised claim has become non existent and the contention of the learned counsel for the respondents that the applicant has been rightly reverted appears to be correct.

Shri M.K.Upadhyay, learned counsel for the applicant on the basis of objection mentioned in paragraph 5 has submitted that the applicant is entitled to supernumerary post and for non-functional selection grade with effect from 1.10.1994. He has placed reliance in the Office Memo dated 6.6.2000. We have considered the submission. However, a new case has been raised for the applicant, which cannot be tried in the present application. However, if advised applicant can pursue before the Departmental Authorities by amaking a representation.

The application is accordingly dismissed. MA 2897/99 and MA 02/2000 shall also stand disposed of. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 1st November, 2000

Uv/