

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

CIRCUIT SITTING AT NAINITAL

THIS THE 21ST DAY OF OCTOBER, 2002

Original Application No. 92 of 1996

CORAM:

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

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER (A)

Dr.Umesh Chandra Joshi, Son of Sri M.H.Joshi
R/o C 55, Nehru Colony, Dehradun.

.... Applicant

Versus

1. Union of India, Ministry of
Defence through its Secretary.
2. Director General of Military Training
Army Headquarters, DHQ, Post office
New Delhi.
3. ~~Mr. G. K. S. K.~~ Lieutenant General Commandant
Indian Military Academy, Dehradun.
4. Brigadier (General staff) Indian Military
Academy, Dehradun.
5. Brigadier/Officiating Deputy Commandant
Indian Military Academy, Dehradun.
6. K.K.Lakhanpal, Brigadier/officiating Deputy
Commandant & CI, Indian Military Academy
Dehradun
7. Brig. Umang Seth, Commander ACC Wing,
Indian Military Academy, Dehradun

.... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R (Oral)

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

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the order dated 23.1.1996 by which he was communicated that he is not entitled for appointment as Officiating Principal of ACC Wing. It has been further said that the appointment of the applicant as Officiating Principal of ACC Wing was not notified in the Gazette after approval of the Competent Authority and hence it was illegal and has been cancelled. Applicant has further prayed

that the respondents be directed to consider and transfer the applicant on the post of Principal ACC Wing in Indian Military Academy, Dehradun on regular basis. It has been ^{in the impugned order} further stated that Commander ACC Wing will perform the functions of Principal till a Principal is appointed.

Counter and rejoinder affidavits have been exchanged however, during pendency of this OA by a letter dated 24.9.02 written by Staff Officer(legal) for Commander, Indian Military Academy, Dehradun addressed to Registrar of this Tribunal, ^{with u} ~~This Tribunal~~ has been informed that Dr.G.D.Goel Reader in Mathematics had filed OA. No.276/01 before the Principal Bench of this Tribunal for the post of Principal. The aforesaid OA has been decided in favour of Dr.G.D.Goel on 5.11.01 and thereafter on the basis of recommendation of the Review DPC Dr.G.D.Goel has been promoted to the post of Principal w.e.f. 12.8.02. It is also stated that Dr.U.C.Joshi, Professor has ^{been} ~~been~~ relinquished the post of Principal. The copy of the order dated 5.11.01 has also been annexed alongwith the letter. The operative part of the order reads as under:-

" The result of the Review DPC held in March 2000 is quashed and set aside with the direction to respondent no.3 to reconvene a Review DPC and to consider the claim of the applicant for promotion in accordance with the aforesaid O.M. dated 30.12.1976. The respondents no.3 will be at liberty to have regard, in addition to such other O.Ms on the subject as might have been issued by the DOPT before 24.10.1986. The aforesaid exercise will be completed in a

period of four months from the date of receipt of a copy of this order."

From the aforesaid ^{letter} judgment it is clear that the post of Principal, ACC Wing has been filed on the basis of the Review DPC. In the circumstances, the claim of the applicant in the present OA has been rendered infructuous.

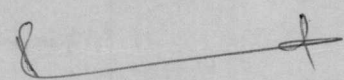
Shri R.C.Joshi learned counsel for the respondents has filed a copy of affidavit of Lt.Col.Kuldip Sharma who had sent the letter dated 24.9.02 which shall be kept on record.

The OA is accordingly dismissed as infructuous.

No order as to costs.

Dt.21.10.2002


MEMBER (A)


VICE CHAIRMAN

Uv/