

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 9th Day of March, 2001

Coram: Hon'ble Mr. V. Srikantan ... Admn. Member
Hon'ble Mr. Rafiquddin ... Judl. Member

ORIGINAL APPLICATION NO. 243/ 2001.

Dr. R.N. Srivastava
Aged 41 years, S/o Shri J.P.
Srivastava, Medical Officer
District Women Hospital
Azamgarh. ... Applicant

(By Advocate, Shri Sudhir Agarwal)

Vs.

1. Union of India through the
Secretary, Ministry of Depart-
ment of Personnel, Public
Grievances and Pension
New Delhi.
2. State of U.P. through the
Principal Secretary
Appointment Section
U.P. Shasan, Lucknow.
3. Union Public Service Commission
Dholpur House, Shahjahan Road
New Delhi through its Chairman.

... Respondents

O R D E R (ORAL)

HON'BLE MR. RAFIQUDDIN, JUDICIAL MEMBER:

Heard Shri Sudhir Agarwal for the applicant.
The applicant has approached this Tribunal for
issuing the directions to the respondents, namely,

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Union of India through the Secretary, Ministry of Department of Personnel, Public Grievances and Pension, State of U.P. and UPSC not to hold any selection in IAS of U.P. Cadre under IAS (appointment by selection) Regulation 1977 from non State Civil Service officers in pursuance to the notification dated 30.10.99 for the recruitment year 2000. It is contended that this Tribunal vide order dated 12.5.2000 passed in OA No. 283/ 2000 filed by the applicant, the letters dated 5.11.98 and 11.2.98 were quashed and set aside, whereby the Government of India decided to fill up the vacancies in a phased manner. It may be pointed out that the order was challenged before the Lucknow Bench of Allahabad High Court vide writ petition No. 732/ 2000 and also in W.P. No. 780/2000 and writ petition No. 720/ 2000. It has also been brought to our notice that the arguments in those writ petitions pending before the Lucknow Bench of Allahabad High Court were concluded on 29.11.2000 and the Judgement is reserved. The Judgement may be delivered at any time. The order of this Tribunal is also stayed in those proceedings. It is also mentioned that the Apex Court vide order dated 9.10.2000 passed in SLP No. 10019 - 10020/ 2000 has also requested the High Court to expedite the hearing of the writ petition and dispose of the same preferably within a period of 4 weeks irrespective of the fact that some lawyers are on strike. It was

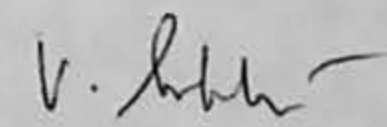
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further observed by the Apex Court that if no one appears for the petitioner in the said case, the Court may vacate the interim order and pass appropriate order and if the petitions are not heard within one month, it would be open to the petitioner to approach the High Court for vacating the interim order granted by it.

Under the facts and circumstances, we do not find it appropriate to issue any direction or to admit the present petition because no fresh cause of action has arisen to the applicant to approach this Tribunal because the present notification dated 30.10.99 is also covered by the decision of this Tribunal. It is open to the applicant to approach the appropriate forum for his grievance. With this observation, the OA is dismissed at admission stage. No order as to costs.


JUDICIAL MEMBER


ADMINISTRATIVE MEMBER