

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 16th day of May 2001.

Hon'ble Mr Justice RRK Trivedi, Vice-Chairman

Hon'ble Maj Gen KK Srivastava, Member-A.

Original Application no. 394 of 2001.

A.K. Mishra, S/o late Sri R.D. Mishra,
R/o G-1/99, ADA, Colony, Kalindipuram,
Phase II. Allahabad.

... Applicant

C/A Shri KP Singh

Versus

1. Union of India through Defence Secretary
Ministry of Defence, New Delhi.
2. Quartermaster General, Army HQ, Sena Bhawan,
New Delhi.
3. Dy. Director General of Military Farms
Army Hqrs, QMG's Br, West Block III
RK Puram, New Delhi.
4. Officer Incharge, Military Farms Records,
Delhi Cantt.
5. Director of Military Farms, HQ, Central Command,
Lucknow.
6. Officer Incharge, Military Farm,
Allahabad.

... Respondents.

C/Rs. Sri Rajiv Sharma

ORDER (Oral)

Hon'ble Mr. Justice RRK Trivedi, V.C.

By this OA the applicant has challenged
order dated 7.11.2000 by which a quarry has been
made as to why the name of the applicant has been
shown in the seniority list of UDC. It is also

...2/-

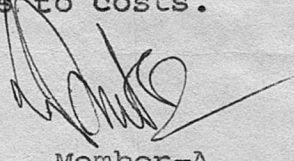
stated that the applicant was reverted back from ad-hoc UDC to permanent LDC vide letter dated 3.9.1999. We do not find any-thing in the letter on which basis this OA could be filed. It is a communication between two authorities. Reference is of the letter dated 3.8.1999 by which the applicant was reverted.

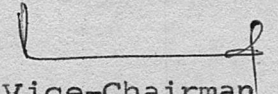
2. In our opinion, the applicant is only a adhoc UDC and he has no right to continue on the post and no order is required. It may also be noticed that before filing this OA, the applicant filed OA 964 of 2000(annexure 10 to the amendment application) which was dismissed as infructuous on 21.3.2001. It appears that the applicant challenged the order^u dated 25.4.2000 and 19.8.2000. The court has observed that in the order of transfer he has been addressed as ad hoc UDC and transfer order does not mention that he has been reverted as LDC. The clarification given by learned counsel for the respondents vide affidavit dated 20.03.2001 was accepted. The transfer was also to some other place ^{from u} ~~for~~ which the applicant^{was u} aggrieved.

3. In the circumstances the applicant^{was u} ~~will~~ aware about his reversion from UDC to LDC, but it was not challenged in earlier OA. In this OA the challenge is against the communication inviting comments, which is not sufficient to give rise ^{to a c} ~~the~~ cause of action to the applicant.

4. We do not find any merit in this OA. No order is required in the amendment application. The OA is accordingly rejected. However, it is observed that, if the disciplinary proceedings against the applicant ~~is~~ ^{come} to an end, he may write ~~before~~ ^{to} the competent authority, for his promotion, which shall be considered and decided in accordance with law within a period of four months from the date of copy of this order is filed. ~~before them.~~

5. No order as to costs.


Member-A


Vice-Chairman

/pc/