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Court No.2

Central Administrative Tribunal, Allahabad.

Registration No. O.A.376 of 1987

Khem Singh Arya ... Applicant

Xx. Vs.

Union of India and 3 others ... Respondents

Hon.D.S.Misra,AM
Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

In this petition u/s.19 of the Administrative Tribunals Act XIII of 1985, the applicant has prayed that the order dated 13.11.1985 of the respondents asking the applicant to appear in the promotion examination in the grade of Rs.700-900 be quashed and he be treated in the said scale w.e.f. 1.1.1984. Sri R.S.Shukla, learned counsel for the applicant and Sri V.K.Goel learned counsel for the respondents have brought to our notice that the promotion examination going to be held, has already taken place and the petition has become infructuous to that extent. They also concede that regarding the seniority of the applicant, he has already filed writ petition no.601 of 1985 which has been received by transfer and registered as T.A.no.1650 of 1987 in this Tribunal and the question of seniority can be considered in that petition. In this view of the matter, this petition has become partly infructuous and is not maintainable partly on the ground that the applicant has filed another petition for the same relief.

2. The petition is accordingly dismissed as having become infructuous on the grounds that the examination in question has already taken place and the applicant has filed another petition for the relief of seniority. There will be no order as to costs.

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MEMBER (J)

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7.7.88
MEMBER(A)

Dated: 7th July 1988
kkb.