

(26)

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

ORIGINAL APPLICATION NO. 1245 OF 2002.

ALLAHABAD THIS THE 08TH DAY OF May 2009

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MRS MANJULIKA GAUTAM, MEMBER-A**

Mukesh Chandra Verma S/o late H.C. Prasad, R/o At P-195/1, Old Project Air Force Station, Manauri, Allahabad. (dead)

1/1 Smt. Poonam Verma a/a 46 years, W/o late Shri Mukesh Chandra Verma, Resident of At P-195/1, Old Project Air Force Station, Manauri, Allahabad.

1/2 Km. Dipika Verma aged about 17 years, D/o late Shri Mukesh Chandra Verma, Resident of At P-195/1, Old Project Air Force Station, Manauri, Allahabad.

1/3 Anupam Verma a/a 12 years, S/o Mukesh Chandra Verma, Resident of At P-195/1, Old Project Air Force Station, Manauri, Allahabad.

.....Applicant

By Advocate : Shri Rakesh Verma

Versus

1. Air Commodore (Air Officer, Commanding), NO. 24ED, Air Force Station, Manauri, Allahabad.
2. Wing Commander, Depot Accounts Station, 24ED Air Force Station, Manauri, Allahabad.
3. Union of India through its Defence Secretary, New Delhi.

.....Respondents

By Advocate : Shri N.C. Tripathi

ORDER

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J

Shri Rakesh Verma, Advocate appearing for the applicant Shri S.N. Chatterji, Additional Standing Counsel (Central Government), appearing for the Respondents.

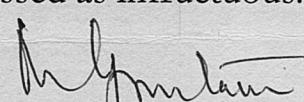
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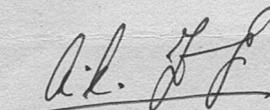
2. Applicant filed this O.A. under section 19 of Administrative Tribunals Act, 1985 seeking to challenge order dated 27.7.2002 and 20.8.2002 (Annexure 1 and 2 to the O.A.) whereby the respondents- Department imposed punishment 'withholding of promotion for three years'.

3. Without entering into the merit of the case, we are of the opinion that this O.A. has been rendered infructuous.

5. It may be noted that the applicant (in the O.A.) died during pendency of the O.A. and his legal representatives (wife, son and daughter) are now substituted in his place and brought on record. There is nothing on record that promotion had become due during life time of the Applicant- while 'deemed in service' and hence these Legal Representatives can still make monetary- and pursue the O.A., Legal Representatives cannot be, it is apparent cannot be reinstated even if termination order is set aside.

6. In view of the above, promotion cannot be granted as employee/applicant has died. There is nothing to show that deceased employee has suffered monetary loss. No reliance can be given to the legal representative. Accordingly, O.A. is dismissed as infructuous. No costs.


Member (A)


Member (J)

Manish/-