

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.678 OF 2002
ALLAHABAD THIS THE 17th DAY OF DECEMBER,2002

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Keshav Pal,
Barek Store Officer (BSO)
(Now SO2CECC) (Civilian),
S/o Shri Pitam Singh,
R/o Village Patsua,
Post Office Jasmai,
District : Eath (U.P.)

..... Applicant

(By Advocate Col. A. Kumar)

Versus

1. Union of India,
through Secretary,
Ministry of Defence,
New Delhi.
2. Chief of the Army Staff,
through Engineer-in-chief (Army HQ)
Via-OIC Legal Cell (MES)
Headquarter Chief Engineer,
Air Force Station, Bamrauli,
Allahabad.
3. GE (EP) (Garrison Engineer)
Allahabad.

..... Respondents

(By Advocate Shri S.K. Anwar)

ORDER (Oral)

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

By this O.A the applicant has sought a direction
seeking the following reliefs:-

"(i)To issue a writ, order or direction commanding the respondents to investigate the details of the facts brought out in the Statutory Appeal of the applicant dated 11th April,2002, copy already filed as Annexure-A1 with this original application, and dispose of the same with a reasoned order based on the principles of law settled and reported in para 1,38 and 39 of AIR 1990 S.C. 1984, within a time frame to be fixed by this Hon'ble Tribunal, preferably one month.

(ii)To issue any other writ, order or direction as this Tribunal may deem fit and proper in the nature and circumstances of the case.

(iii)Award the cost of the Original Application."

Today when the matter came up, the respondent's counsel



has brought to my notice that an appeal referred to by the applicant in the O.A has already been disposed of by the detailed order dated 01.07.2002 (Annexure RA-2). Therefore, he has submitted that the O.A has become infructuous.

2. However, counsel for the applicant has argued that this appeal relates only to CRs and not to his posting, therefore, he sought time to file his RA.

3. I have heard both the counsel and seen the order which is annexed as Annexure R-2. Para 5 of the said order clearly deals with the representation filed by the applicant against his posting as SD II CE Central Command. They have even given the reasons as to why he cannot be posted at a particular place. Thus, I am satisfied that the present O.A has become infructuous. It will be open to the applicant to challenge the said order by filing a fresh O.A, in case he is still aggrieved by the said order, if so advised. With the above observations the O.A is dismissed as infructuous. No costs.



Member-J

/Neelan/