

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No: 81 of 1993

Date of decision: 3rd August, 1993

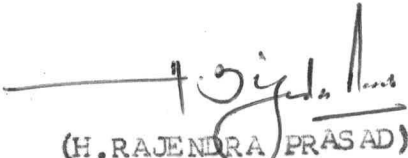
Shri Man Mohan Praharaj ... Applicant

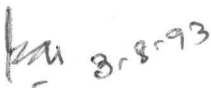
-Versus-

Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *ND*
2. Whether it be circulated to all the Benches of *ND* the Central Admn. Tribunals or not?


(H. RAJENDRA PRASAD)
Member (Administrative)
03 AUG 93.


(K.P. ACHARYA)
Vice-Chairman

Central Administrative Tribunal
Cuttack Bench;Cuttack

Original Application No.81 of 1993

Date of decision:3rd August,1993

Shri Manmohan Praharaj ... Applicant

Versus

Union of India and Ors. ... Respondents

For the Applicant ... M/s.A.K.Misra,S.B.Jena &
S.K.Das,Advocates.

For the Respondents ... Mr.U.B.Mohapatra,Addl.
(No.1) Standing Counsel (Central)

For the Respondent ... Mr.K.C.Mohanty,
Nos.2 and 3 Government Advocate for
State of Orissa.

CORAM:-

THE HONOURABLE MR. K.P.ACHARYA, VICE-CHAIRMAN
A N D

THE HONOURABLE MR. H.RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGMENT

K.P.ACHARYA,V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to issue a direction to the Opposite Party Nos.1 to 3 for publication of the gradation list showing the petitioner^{as} senior to Opposite Partyⁱⁿ Nos.4 and 5 in pursuant to the directions contained in the judgment of this Bench passed in T.A.No.224 of 1986 on 20th February, 1989.

2. Shortly stated the case of the petitioner is that he is a member of the Indian Police Service. T.A. No. 224 of 1986 was filed by the present petitioner claiming seniority over O.P. Nos. 4 and 5 in the said Transferred Application. A decree was passed in favour of the present petitioner. The seniority list was not refixed and the gradation list was not published. Hence this application has been filed with the aforesaid prayer.

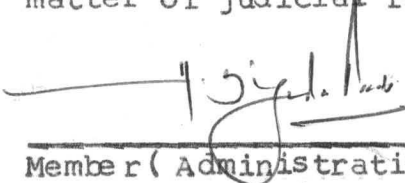
3. We have heard Mr. S.B. Jena learned counsel for the petitioner, Mr. Uma Ballav Mohapatra learned Additional Standing Counsel (Central) for the Opposite Party No. 1 and Mr. K.C. Mohanty learned Government Advocate for the State of Orissa.

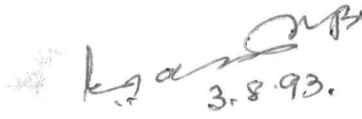
4. Mr. Mohapatra learned Additional Standing Counsel (Central) appearing for the Opposite Party No. 1 has filed a Carbon copy of the Telex Message sent by the Ministry of Home Affairs to the Chief Secretary, Government of Orissa informing the Chief Secretary and Mr. Uma Ballav Mohapatra learned Addl. Standing Counsel (Central) that the judgment passed in Transferred application No. 224 of 1986 on 28th February, 1989 and the order dated 24th February, 1993 passed in O.A. No. 81 of 1993 has since been implemented. Mr. Mohapatra has also filed a copy of the order passed by the Ministry of Home Affairs dated 4th May, 1993 fixing the seniority position

of the present petitioner vis-a-vis M/s P.K.Misra and B.C.Acharya. Copy of the said order has also been forwarded to the Under Secretary, Government of Orissa.

5. In view of such a situation, the application has become infructuous and is accordingly disposed of leaving the parties to bear their own costs.

6. Learned Counsel appearing for the petitioner Mr.S.B.Jena strenuously urged before us that the petitioner should be made entitled to arrear financial benefits. This was stiffly opposed to by Mr. K.C.Mohanty learned Government Advocate appearing for the State of Orissa. We give liberty to the Petitioner to make a representation, if so advised, to the Government which should be disposed of within three months from the date of filing of the representation and we hope and trust a reasoned order would be passed so that it would be subject matter of judicial review.


Member (Administrative)
3.8.93.


3.8.93.
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K.Mohanty/
3.8.93.