

Order dated 19.1.2004

By filing a memo dated 19.1.2004, the learned counsel for the applicant has brought to the notice of the Tribunal that the brief has been taken away by the applicant prior to his death that occurred on 9.8.2002 and in the circumstances, it is his submission that he has no instruction to submit before the Tribunal and accordingly, the Tribunal may pass appropriate orders.

Heard **Mrs. R.Sikdar**, the learned counsel for the Respondents-Railways, who by filing a memo dated 19.1.2004 (enclosing a copy of order dated 12.12.2002) brought to my notice that the applicant having breathed his last on 9.8.2002 his service as DMS-II under the Railways has ceased to operate.

Before taking a final view on the above submissions made by the learned counsel for the parties through their Memos, it is pertinent to record hereunder the relief sought for by the by the applicant (who at present is no more):

" ...quash the impugned guidelines issued by the Railway Board dated 15.3.1989 by concurrently holding the same is bad, illegal and cannot be sustainable in the eyes of law;

... hold/declare the applicant is eligible to appear for the Group-B Service (Assistant Controller of Stores) through LDCE which will be scheduled to be held on 20.12.1999..."

above

From the prayer it is apparent that the applicant in the instant O.A. had challenged the vires of certain guidelines dated 15.3.1989 (which in fact he had not annexed to the O.A. as Annexure) put to his disadvantage for appearing at the Group-B Service (Asst. Controller of Stores) which

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was scheduled to be held on 20.12.1999. This prayer  
ip so facto, by the efflux of time has lost its force.  
Apart from this, the claim as laid in this O.A. being  
a claim purely personal to the applicant (who is now  
no more) it does not leave any scope for the legal heirs  
to sue the matter before this Tribunal on being substituted.

For the reasons discussed above, this O.A. is  
disposed of for ~~be~~ not being pressed. No costs.

Inform the parties.

  
VICE-CHAIRMAN 19/1

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