

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA. 714 of 1996

Date of Order: 05-02-98.

Present: Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.
Hon'ble Mr. S. Dasgupta, Administrative Member.

KANCHAN KR. MISHRA

-VS-

UNION OF INDIA & ORS.

For the petitioner: Dr. S. Sinha, counsel.

For the respondents: Mr. P. Chatterjee, counsel.

Heard on: 05-02-98.

O R D E R

S. Dasgupta, AM.

We have heard the ld. counsel for both the parties and also perused the pleadings on record. Through this application, the applicant has claimed appointment on the basis of a Circular dated 1.11.89 in a Group-D post.

At the outset, the ld. counsel for the respondents raised the point of maintainability on the ground that the aforesaid Circular dated 1.11.89 has been quashed by the decision of a Bench of this Tribunal in OA no. 968 of 1990 in Abdul Sattar & Ors. -VS- Union of India & Ors on 13.8.93. He contended that since the Order, on the basis of which the applicant claims for being appointed, is no longer in existence, the application itself is not maintainable.

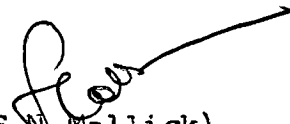
The ld. counsel for the applicant, while not denying the fact that the aforesaid Circular has been set aside by the decision of this Tribunal, contended that by virtue of the aforesaid Order, certain other persons had already been appointed and therefore, the applicant is being discriminated by not being appointed ~~within 1996~~.

We have carefully considered the submissions of the ld.counsel for both the parties. Even if certain person have been appointed on the basis of the said Circular, which is a non-est after the decision of the Tribunal, such appointments, which obviously are irregular, cannot be cited by the applicant as an instance of discrimination. We, accordingly, accept the contention of the ld.counsel of the respondents that this application no longer has any basis since the Circular dated 1.11.89, on which it depends, is no longer in existence.

Thus, the application is accordingly dismissed as having no merit . No order as to costs.



(S. Dasgupta),
Member(A)



(S.N. Mallick)
Vice-Chairman.