

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

(18)

Copy of order dated 28.5.98 passed in MA No. 142/97
in OA No. 132/96.

UNION OF INDIA & ORS. VS. MOHD. FIYAZ KHAN & ORS.

Date of order

28.5.98

Mr. R.K. Somi, Counsel for the applicants (official Respondents in OA)

Mr. S.K. Malik, Counsel for respondents (Applicants in OA)

Mr. N.K. Khandelwal, Counsel for respondents No. 6, 7, 9 & 10.

Learned counsel for the applicants (official respondents in OA) has prayed for modification of interim order dated 19.4.1996 passed in OA No. 132/96 on the ground that the applicants are proposing to hold test for post of Office Superintendent Grade II.

We have heard learned counsel for the parties and have gone through the order passed in OA on 19.4.96.

During the course of arguments, it was brought to our notice that the present applicants had notified a test for aforesaid post on 23.2.98 and in consequence thereof, the applicants as well as the private respondents in the OA were allowed to participate in the examination, on 19.4.1996, it was only recorded in the order sheet that the prayer of interim relief shall be adjudicated upon as and when the test is again proposed to be held. The applicants in OA have not renewed their prayer of interim relief in view of the notification dated 23.2.98 as they were allowed to participate in the test.

In our opinion, there is ~~virtually no~~ interim

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order against the respondents. Therefore, the question of modification of any interim order does not arise at all, as prayed for by the present applicants. Moreover, in view of the fact that the present applicants have organised the test and allowed the applicants and private respondents to participate in the same, nothing survives for passing any fresh order or modifying the previous order.

The MA, in our opinion, has become infructuous by subsequent action of the present applicants themselves. MA is, therefore, disposed of accordingly.

sd/-

(GOPAL SINGH)
ADM. MEMBER.

sd/-

(A.K. MISRA)
JUDL. MEMBER.

प्रमाणित

सत्य प्रतिलिपि

A. K. Misra 16/6/98

प्रनुभाग अधिकारी (न्यायिक)

केन्द्रीय प्रशासनिक अधिकरण

जोधपुर न्यायपीठ, जोधपुर