

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**Original Application No. 364/2008**

This the 20<sup>th</sup> day of May, 2009

**Hon'ble Mr. M. Kanthaiah, Member (J)**

**Hon'ble Dr. A.K. Mishra, Member (A)**

Jagdish Narain Seth, Aged about 67 years, S/o late Sri Uma Shanker Seth, R/o 48 Napier Road Colony, Part-II, Thankurganj, Lucknow retired SSW (Supdt. Surveyor of Works).

.....Applicant

By Advocate: Sri Ganga Singh.

**Versus**

1. Union of India, through its Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief, Army HQ, Kashmir House, Defence HQ, New Delhi.
3. Chief Engineer, Central Command, Lucknow Cantt, Lucknow.
4. Sri A.D. Sawley, Retired Superintending Surveyor of Works.

.....Respondents

By Advocate: Sri Y. Kesharwani

**ORDER**

**By M. Kanthaiah, Member-J**

Heard both sides.

2. The applicant has filed the original application with a prayer to issue directions to the respondents to fix the seniority of the applicant above the respondent no.4 and promote him with all consequential benefits upto the level of Superintending Surveyor of Works. In support of his case, the applicant has relied upon the decision of O.A. no. 1037 of 1986 dated 28.8.1987 on the file of Principal Bench of this Tribunal and O.A. no. 2/2004 dated 10.1.2008 on the file of this Bench of the Tribunal. The applicant also submits that his representation addressed to the respondents (Annexure-1) dated 20.2.2008 followed by reminders dated 23.4.2008 and 30.6.2008 (Annexure 2 and 3 respectively to this

O.A.) are still pending with the respondents for their consideration. When the representation followed by reminders of the applicant are still pending, issue of any direction allowing the claim of the applicant at this stage is not at all maintainable and as such the O.A. is disposed of, without going into the merits of the case, with a direction to the respondent no.2 to consider and decide the pending representation followed by reminders of the applicant within a period of 3 months from the date of supply of a copy of this order, by passing a reasoned and speaking order in accordance with law. The respondent no.2 is also directed to take note of the decisions relied upon by the applicant while deciding the representations of the applicant. The applicant is also directed to supply a copy of his representation followed by reminders and also citations on which he is relying upon in support of his claim alongwith a copy of this order. No costs.

*Dr. A.K. Mishra*  
 (Dr. A.K. Mishra)  
 Member-A

*M. Kanthaiah*  
 (M. Kanthaiah)  
 Member-J 20.05.2009

Grish/-