

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH

LUCKNOW

Transfer Application No. 1119 of 1987 (T)

(Writ petition no. 655 of 1983)

Date: 16-8-1990

Gyan Singh

... Petitioner

Vs.

Union of India & others

... Opp. Parties

J U D G M E N T

Hon'ble Mr. P. Srinivasan, AM

Hon'ble Mr. JP Sharma, JM

(Delivered by Hon'ble P. Srinivasan, AM)

This is a transfer application originally filed as writ petition no. 655 of 1983 before the Lucknow Bench of the Allahabad High Court.

When M today, 2. Case is called out, None appeared for the applicant. Mr. Siddhartha Verma and Mr. Arjun Bhargava appeared for the respondents. This application came before another bench of this Tribunal on 1-1-1990 after issue of notices to the parties. Notice to the applicant was issued on 20-12-1989 by registered post, and H but has not been returned unserved. However, nobody appeared for the applicant on 1-1-1990, while Mr. Arjun Bhargava appeared on behalf of the respondents. The case was, therefore, adjourned and has come before us today. Even today none appears for the applicant even though the case was called out several times. Since notice was issued to the applicant

P. Srinivasan

- 2 -

by registered post and has not been so far returned, we have to presume that it has been served. Moreover, on perusing the application and hearing the counsel for the respondents, it seems to us that the applicant is not interested in pursuing the application. The applicant, who was working as Assistant Controller of Stores at Lucknow, when the application was originally filed, complains in the application that while his juniors were promoted to the senior scale of Class-I in 1982, he i.e. the applicant has been passed over for such promotion. It appears that certain adverse remarks were recorded in the applicant's character roll for 1980 and 1981. Subsequently the adverse entry of 1981, we are told, was expunged by the Reporting authority, while the applicant's representation against the adverse remark for 1980 was rejected as being time barred. On 28-9-1985 Hon'ble Mr. Justice U.C. Srivastava passed an interim order in which he noticed that the adverse entries against the petitioner had been expunged. He further directed that if the applicant had been denied promotion solely on the ground of adverse entries, the matter should be re-considered. It is likely that in the light of this order, the respondents have taken such steps to redress the grievances of the applicant and that is why the applicant has not shown any interest in the litigation and has not taken care to ascertain the present position of the case even though he filed the writ petition as far back as 7 years ago. We are, therefore, of the view that the applicant is no longer interested in pursuing the application.



3. The application is, therefore, dismissed for non prosecution. ^M~~Any~~ relief that may have been given to the applicant as a result of the order of the High Court dated 28-9-1985 shall not be withdrawn by the respondents.

The parties ^M~~are~~ to bear their own costs.

John
MEMBER (J) 16/8/90

P. S. L.
MEMBER (A) 16/8/90

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