

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Tr. Application No.258/87.

Shri K.V.Ramana Rao.

... Applicant

V/s.

Union of India, and Others.

... Respondents.

Coram: Hon'ble Member(A), Shri M.Y.Priolkar,
Hon'ble Member(J), Shri J.P.Sharma.

Appearances:-

Mr.E.K.Thomas(for Mr.M.M.Sudame)
for the applicant and
Mr.R.C.Kotiankar (for Mr.M.I.Sethna)
for the respondents.

Oral Judgment:-

(Per Shri J.P.Sharma, Member(J))

Dated: 2.4.1990.

The applicant Draughtsman Gr.I at Archaeological Survey of India, Nagpur had filed Writ Petition before the Hon'ble High Court, Nagpur Bench of the Bombay High Court, which was registered there, but subsequently on coming into force of the Administrative Tribunals Act, 1985 under section 29 of the act the writ petition stood transferred to the New Bombay Bench and has been registered as Tr.(N) No.258/87.

2. The applicant in the writ petition claim the following prayers:

- (A) Quash the Promotion order, annexure-4, annexure-7 as arbitrary, discriminatory, illegal and improper;
- (B) Direct the cancellation out of turn promotion granted to Respondents No.4,5 & 6 and direct that the petitioner be granted promotion as Senior Draughtsman in consonance with the rules and the seniority list and the spotless service record of the petitioner;
- (B1) That in the alternate respondents nos.1 to 3 for that matter the D.P.C. be directed to consider petitioners candidature for promotion on the basis of annexure 1 and his spotless career along with others mentioned in annexure 1.

- (C) That during the pendency of this petition, stay the operation of the promotion order, annexure-4 and refrain the respondents No.4,5 and 6 from joining the post of Senior Draughtsman on promotion;
- (D) As the post of Senior Draughtsman is vacant at Nagpur, direct the respondents No.1,2, 3 to post the petitioner on promotion against this post at Nagpur.
- (E) To grant to the petitioner costs of this petition.
- (F) And to grant to the petitioner any other relief that this Hon'ble court may deem fit in the circumstances of the case."

3. The respondents No.1 to 3 contested the Writ Petition before the Hon'ble High Court and the matter was subsequently continued before this Tribunal by the learned Counsel for the respondents Mr.R.C.Kotiankar. The matter was taken up for final hearing to day.

4. The applicant's son who also appeared on the earlier sitting of the Bench on 19.4.1983 and is duly identified by the department personnel Mr.Janardhana and makes statement that his father is now to retire from the active service on attaining the age of superannuation and does not want to press this application on merit and orally made a statement in the open sitting of this Bench that the said transferred application arising out of the writ petition be allowed to be withdrawn. In view of this, at the bonafide of the applicant's son, as got verified also through the brief holder of Mr.M.M.Sudame (Mr.E.K. Thomas) the Transferred Application is disposed of as not pressed.

5. Both the parties shall bear their own costs.



(J.P.Sharma)
MEMBER(J)



(M.Y.PRIOLKAR)
MEMBER(A)