

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

(12)

Q.Y.A.XX No.

T. A. No.

249/87

198

DATE OF DECISION 18.12.1990

Shri A.P.Mishra Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri S.R.Atre Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.S.Chaudhuri, Member (A)

The Hon'ble Mr. N.Sengupta, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes

No

P.S.Chaudhuri
(P.S.Chaudhuri)
Member (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

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13

TR. NO. 249/87

Shri A.P.Mishra

... Applicant

V/s

Union of India through its
Secretary, Ministry of Railways,
New Delhi & 7 others.

... Respondents

CORAM: Hon'ble Member (A), Shri P.S.Chaudhuri.
Hon'ble Member (J), Shri N.Sengupta.

Appearances:

Shri S.V.Shukla, Office
Superintendent (Gr.II) in
the Office of Respondent
No.4.

ORAL JUDGEMENT:

Dated : 18.12.1990

(Per. P.S.Chaudhuri, Member (A))

Am
This application has come to this Tribunal by
way of transfer from the Bombay High Court in terms of
letter regarding its ~~order~~ dated 13.1.1987 on Writ Petition No.2311/82
which was filed before it on 6.10.82. It has thereafter
been taken on the file of the Tribunal as transferred
application No.249/87.

2. In it the applicant who was working as Assistant
Signal and Telecommunication Engineer, Central Railway,
challenges the promotion of his juniors to senior scale
posts.

Am
3. When this case was called on ~~10.12.1990~~ today
Mr. S.V.Shukla, Office Superintendent (Gr. II) in the
office of respondent No.4 is present before us. He
produced before us an attested copy of death certificate
No.97/3548 issued by the Registrar of Births and Deaths,

Cont'd. . . 2/-

Am

Bhopal which certifies that the applicant expired on 11.6.1989. In terms of Rule 18 of the Central Administrative Tribunals (Procedure) Rules, 1987 substitution of legal representatives of the deceased party is required to be done within a period of 90 days within the date of such death. This rule also states that where no application is received within such period, the proceedings against the deceased party shall abate. Even though over one year has elapsed since the death of the applicant there has been no application for substitution by any of the legal representatives of the deceased applicant.

4. In view of this position the case is disposed of as having abated.


(N. Sengupta)
Member (J)


(P.S. Chaudhuri)
Member (A)

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