

(14)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
CIRCUIT SITTING AT NAGPUR

Tr.203/87

Bandaru Venkat Rao,  
r/o. S.B.I. Colony,  
Ananthalagar, Katol Road,  
Nagpur.

.. Applicant

vs.

1. Union of India  
through  
General Manager,  
South Eastern Railway,  
Garden Reach,  
Calcutta.

2. Divisional Personnel Officer,  
South Eastern Railway,  
Nagpur.

3. M.L.N.Murthy,  
Senior Clerk,  
Narendra Nagar,  
Sundarban Layout,  
Nagpur - 3.

.. Respondents

Coram: Hon'ble Shri G.Sreedharan Nair, Vice-Chairman

Hon'ble Shri I.K.Rasgotra, Member(A)

Appearance:

Mrs. S. S. Wandile  
Advocate  
for Mr. Chandurkar  
for the respondents.

ORAL JUDGMENT: Date: 9-8-1990  
(Per G. Sreedharan Nair, Vice-Chairman)

This relates to Writ Petition No. 412/81  
on the file of the High Court of Bombay which has  
been received on transfer.

2. The reliefs claimed in the application  
are for a direction to the respondents No. 1 and 2  
to consider the applicant for the post of Office  
Superintendent irrespective of his seniority in the  
cadre of Head Clerks and for an injunction restraining  
respondents No. 1 and 2 from making promotion to the  
post of Office Superintendent before considering  
the case of the applicant.

3. After the filing of the writ petition the applicant retired from service on superannuation in the year 1982 and thereafter he expired on 13-4-90.

4. On 25-6-1990 the widow of the applicant has filed M.P. 573/90 to substitute her in the place of the deceased applicant as legal representative.

5. Today when the matter was taken up for hearing Advocate Mrs. S. S. Wandile appeared for the respondents. A petition is filed on behalf of the legal representative stating that the Tribunal may dispose of the matter on merits.

6. We have perused the records. Considering the nature of the reliefs claimed in the Writ Petition we are of the view that they are purely personal and as such the cause of action does not survive to the legal representatives. As such Misc. Petition No. 573/90 is hereby dismissed and Tr. Application is closed.

*Subhag 9/990*  
(I.K.RASGOTRA)  
Member(A)

*Dr. S. Nair 9-8-90*  
(G. SREEDHARAN NAIR)  
Vice-Chairman