

(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,
Anantnagar, 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.

..2/-

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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~~ is hereby dismissed and Tr.Application is closed.

I.K. Rasgotra
(I.K.RASGOTRA)
Member(A)

G. Sreedharan Nair
(G.SREEDHARAN NAIR)
Vice-Chairman