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

Tr. Application No.427/87.

B.K.Talavia

... Applicant.

V/s.

Union of India & Another.

... Respondents.

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

Appearances:-

Shri G.S.Walia, advocate
for the applicant and
Shri A.L.Kasturey, advocate
for the respondents.

Dated: 4.4.1990

Oral Judgment:- (Per Shri J.P.Sharma, Member(J))

The matter was taken up today initially for disposal of Misc. Petition No.187/90 wherein certain direction were sought by the applicant. After hearing arguments of the applicant and respondents counsel, it transpired that what the applicant initially prayed for in the said writ petition ~~GA~~ stood granted to him by the Office Memorandum No.E(HQ)1025/2/3 dt. 2.4.1990 and a copy of the same has been placed before the Bench which was forwarded to the learned Counsel for the applicant for the scrutiny and perusal. The matter was deferred till after lunch so that the learned counsel for the applicant may assess the proper decision in the light of the aforesaid memo dt. 2.4.1990.

2. After lunch the matter was taken up in the Chamber where the learned counsel for the applicant after taking instructions from the applicant who was also present at the time of pre-lunch hearing, informed that now the applicant has no grievance as the relief

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he has been claiming for years has finally been granted, but in the event of the conduct of the respondents over their officials, the applicant who is a poor person be awarded heavy costs.

3. The learned counsel for the respondents also pointed out that the Tr. Application has become infructuous.

4. After having given a carefully consideration, though the matter has had a protracted history, ^{we feel} but the official respondents cannot be found fault at on account of their subordinates and so it shall not be equitable to award costs against the respondents. It is sufficient expression in the judgment which will meet the hands of justice.

5. The writ petition/transferred application received by the Tribunal under Section 29 of the Administrative Tribunals Act, 1985 is disposed of in the manner that the applicant has already been awarded the relief on regularisation on the post which he was already holding and desired ^{the same, is} that his case be regularised in any of the vacancies whether general category or reserved category.

6. The parties shall bear their own costs.

(J.P. SHARMA)
MEMBER (J)

(M.Y. PRIOLKAR)
MEMBER (A)

Judgment dt. 4.4.90

Send to parties

on 20.4.90.

Order dt. 4.4.90 served
on R.N.O. 2 on 04.25.4.90
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