

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

536
O.A. NO: 355/87
T.A. NO: -----

199

(12)

DATE OF DECISION 3.7.92

Captain A.M.Osmany Petitioner

None Advocate for the Petitioners

Versus

Union of India and one another Respondent

Mr. M.I.Sethna Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Ms.Usha Savara, Member(A)

The Hon'ble Mr. J.P.Sharma, 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 ?

mbm*

MD

Usha Savara
(Ms.Usha Savara)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.536/87

Captain A.M.Osmany,
C/o. Shri L.D.Verma,
Advocate High Court,
9,Chandra Bhavan, 1st Floor,
104, St.Xavier Street,
Bhoiwada, Parel,
Bombay - 400 012.

.. Applicant

(13)

vs.

1. Union of India
2. Director General of Shipping,
"Jahaz Bhavan",
Walchand Hirachand Marg,
Bombay - 400 001.

.. Respondents

Coram: Hon'ble Ms.Usha Savara, Member(A)

Hon'ble Shri J.P.Sharma, Member(J)

Appearances:

1. None for the Applicant
2. Mr.M.I.Sethna for respondents

JUDGMENT:

(Per Ms.Usha Savara, Member(A))

Date: 3.7.92.

This application had been filed challenging the order dated 24.2.1986 passed by the respondents. When it came up before the Tribunal ^{on 11.8.87} for admission, only prayer (d) of para 7 of the application was admitted. The applicant had prayed for a direction to the respondents to pay to the applicant the arrears of salary and emoluments arising out of the implementation w.e.f. 1.1.1986 of the recommendations of the 4th Central Pay Commission, the arrears of his pay and emoluments for the month of October '86 and his leave salary for the leave of five months accumulated at his credit.

2. None appeared for the applicant. Shri M.I.Sethna appeared on behalf of the respondents filed a reply stating that the Department had already

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worked out the arrears after fixing his pay as on 1-1-86 and a crossed cheque dated 19.2.88 for Rs.22,633/- being the payment of fixation of pay as well as leave salary was sent to the applicant vide letter dated 25/26th February, 1988. In view of this, it is submitted that the applicant had already been paid the amount as claimed by him under prayer(d) of para 7 of the application, therefore the application had become infructuous.

3. We have heard the learned counsel and perused the orders passed by the Tribunal on 11.8.1987 in the same O.A. We are satisfied that the only prayer for which the application was admitted has been granted by the respondents, and no further relief is paryed for.

4. In the circumstances, the O.A. is dismissed as having become infructuous. There will be no order as to costs.

J. P. Sharma
(J.P.SHARMA) 8.7.92
Member(J)

U. Savara
(Ms.USHA SAVARA)
Member(A)

MD