

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE 28TH OCTOBER, 1986

Present: Hon'ble Mr Justice K.S. Puttaswamy Vice Chairman

Hon'ble Mr L.H.A. Rego Member(AM)

Application No. 1753/86

K.C. Anjaneya Murthy,
U.D.C.,
L.R.D.E., Byrasandra,
Jeevanbeema Nagar Post,
Bangalore-560 075.

(Shri A.V. Albal ... Advocate)

Applicant

Vs.

1. Director, LRDE
Byrasandra,
Jeevanbeema Nagar,
Bangalore-560 075.
2. Government of India,
Ministry of Defence,
represented by the Secretary,
New Secretariat,
New Delhi.
3. Scientific Adviser,
The Hon'ble Minister for
Defence representing
Head Quarters R and D
of Ministry of Defence,
Government of India,
New Delhi-110 001.

... Respondents

(Shri M.S. Padmarajaiah Advocate)

The application has come up for hearing before
Court today, Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the
Administrative Tribunals Act of 1985 (the Act),
the applicant has challenged letters/orders dated
7th August, 1986 and 17th October, 1986 (Annexures
'A' and 'C') of the Director, LRDE (Director).

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2. The applicant was working as an Upper Division Clerk (UDC) in LRDE. On 7th August, 1986 (Annexure 'A') the Director promoted the applicant as Office Superintendent Gr II and posted him to another office i.e. Gas Turbine Research Establishment (GTRE). But the applicant on 14th August, 1986, (Annexure 'B') declined the said promotion and his posting to GTRE. On 14.8.86 (Annexure 'B'), the Director while accepting the offer made by the applicant to forego his promotion did not however, modify his posting to the office of GTRE. In this application, the applicant is aggrieved by that part of the order of the Director posting him to the office of the GTRE.

3. When this application had come up for admission on 21-10-86, at our direction, Shri M.S.Padmarajaiah, learned Senior Standing Counsel had taken notice for the respondents. Before us today, Shri A.V.Albal learned counsel for the applicant has filed a memo which reads thus:

"The applicant give up the offer of and also agrees not claim promotion as offered by the letter dt 7.8.1986 and also further agrees not to claim any promotion in future.

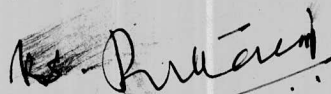
And this undertaking given to this Hon'ble Tribunal be placed on record.

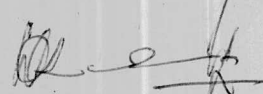
He therefore prays that he be retained in the present post of UDC at LRDE till retirement."

In this memo, the applicant while giving up his claim for promotion till he retires from service, has prayed for his retention as UDC in the office of the LRDE where he has been working. Shri Padmarajaiah, in our

: 3 :

opinion, very rightly and fairly states that the respondents will not oppose the latter prayer of the applicant and will retain him in the office of the LRDE as UDC till he attains superannuation. As the respondents themselves have agreed to grant the limited prayer made before us, it is not necessary for us to examine the grievance of the applicant and issue any directions or orders. We therefore dispose of this application as having become unnecessary. But in the circumstances of the case, we direct the parties to bear their costs.


VICE CHAIRMAN


MEMBER (AM) (R)

/sr/