

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 1ST DAY OF DECEMBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao .. Member
Hon'ble Shri P.Srinivasan .. Member

Application No. 1395/86

Gangadhara, S/o. Jawaraiah,
aged 34 years, Lecturer in
Zoology and Lieutenant in
NCC 9 Karnataka Battalion
Rural College,
Kanakapura.
(Shri Gopal Rao, Advocate)

.. Applicant

Vs.

1. The Director General of NCC,
Ministry of Defence No.4,
West Block, R.K.Puram,
New Delhi-66.
2. The Director of NCC in
Karnataka & Goa,
No. 31/1, Aga Abbas Ali Road,
Sivanchetty Gardens,
Bangalore-42.
3. The Officer Commanding No.9,
Karnataka BN NCC No. 564,
Second Cross, II Block,
Rabindranath Tagore Nagar,
Bangalore-32.
4. Sri.H.K.Hombale Gowda,
Major, Reader in Chemistry,
Rural College,
Kanakapura.
5. The Principal,
Rural College,
Kanakapura.
(SHRI.N.BASAVARAJ, Advocate) .. Respondents.

The application has come up for hearing before
Court today. The Members made the following :

ORDER

This case was called out several times but
none appeared for the applicant. We, therefore,

P. Srinivasan

proceeded to dispose of the matter with the assistance of Shri N. Basavaraju, counsel for R.1 to 3 and Shri Nanjunda Reddy, counsel for R. 4.

2. The grievance of the applicant is against a letter dated 24.1.84 addressed by the Officer Commanding (OC) 9 Karnataka Battalion NCC Bangalore to the Principal of the Rural College at Kanakapura by which R.4 was reinstated as NCC Officer in place of the applicant in pursuance of a judgement of the High Court of Karnataka. Respondent 4 had been de-commissioned from the NCC and the applicant appointed in his place earlier. However, R.4 filed a writ Petition before the High Court of Karnataka challenging his removal from the NCC. The High Court of Karnataka in writ petition No.14/80 reinstated R.4 who was senior to the applicant. Since this judgement had to be implemented R.4 had to be reinstated and since there was no other post to accommodate the applicant, the latter had to be relieved.

3. Both Shri Basavaraju and Shri Reddy inform us that R.4 has attained the age of 45. Under Rule 22 of NCC Rules 1979 a person can continue as an officer in the NCC normally upto the age of 45 years unless the authorities give him an extension under the proviso to the said rule. Shri Basavaraju informs us that no extension will be granted to R.4. In view of this R.4 is likely to be relieved of his post. After this the grievance of the applicant will not survive.

P. S. K.

We notice that in the impugned letter dated 24.1.84 (Annexure C) OC 9 Karnataka Bn NCC has himself stated in para 3 that the case of the applicant would be taken up with the DG NCC for placing him on supernumerary list, which gives an indication that when a regular vacancy arises he might be absorbed.

4. Having considered all the facts, we are of the view that the application no longer survives for consideration. In the result the application is dismissed as having become unnecessary. No costs.

C. Damitha

MEMBER (JM)

P. S. 11/12/86

MEMBER (AM)

kam/2.12.1986.