

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH, BANGALORE

DATED THIS THE 5th DAY OF SEPTEMBER, 1986.

Present:

Justice K.S.Puttaswamy. Vice-Chairman
Sri P.Srinivasan. Member.

APPLICATION NO.407/1986(T)

C.Ravi Prasad, A.M.I.E
(Mech. & TelCom).
Aged about 38 years,
Scientist 'C',
Electronics & Radar Development
Establishment, Bangalore-1. .. Applicant.

v.

1. The Union of India
represented by the Secretary
to the Defence Ministry,
Central Secretariat,
NEW DELHI.
2. The Scientific Adviser to
the Minister of Defence and
Director, Research & Develop-
ment Organisation, Ministry
of Defence, Govt. of India,
DHQ, P.O.New Delhi-110 011.
3. Director
Electronics & Radar
Development Establishment
Bangalore-560 001.
4. Union Public Service
Commission represented by
its Secretary, New Delhi.
5. Maj. (now promoted as Lt.Col).
G.K.Deb, Signals, I.C 19816Y
Electronics & Radar Develop-
ment Establishment,
Bangalore 560 001.
6. Maj. (now promoted as Lt.
Col.) Kuldeep Singh, EME,
IC 17119A, Electronics &
Radar Development Establish-
ment, Bangalore-560 001. .. Respondents
Contd..)

7. N.D.Tewari,
now promoted as Scientist 'D'
Electronics & Radar Development
Establishment, Bangalore-560 001.
8. K.Venkatesan, now promoted as
Scientist 'D', Electronics &
Radar Development Establishment,
Bangalore -560 001.
9. T.K.Kailasam, now promoted as
Scientist- 'D', Electronics &
Radar Development Establishment,
Bangalore-560 001.
10. T.S.Taneja, now promoted as
Scientist 'D' Electronics &
Radar Development Establishment,
Bangalore-560 001.
11. P.M.Shankar Rao, now promoted as
Scientist 'D' Electronics & Radar,
Development Establishment,
Bangalore-560 001.
12. V.Lakshminarayan,
now promoted as Scientist 'D'
Electronics & Radar Development
Establishment, Bangalore-560 001.
13. A.K.Datta, now promoted as
Scientist 'D' Electronics & Radar
Development Establishment
Bangalore-560 001.
14. K.D.Gujar, now promoted as
Scientist 'D' Electronics & Radar
Development Establishment,
Bangalore-560 001.
15. M.Cleetus, now promoted as
Scientist 'D' Electronics &
Radar Development Establishment,
Bangalore-560 001.
16. S.S.Goel, now promoted as
Scientist 'D' Electronics &
Radar Development Establishment,
Bangalore-560 001.
17. SVIN Sharma, now promoted as
Scientist 'D' Electronics & Radar
Development Establishment,
Bangalore-560 001.
18. G.S.Krishnamurthy Rao,
now promoted as Scientist 'D'
Electronics & Radar Development
Establishment, Bangalore-560 001.. Respondents
contd.

19. S.P.Gupta, now promoted as Scientist 'D' Electronics & Radar Development Establishment, Bangalore-560 001.
20. K.U.Limaye, now promoted as Scientist - 'D' Electronics & Radar Development Establishment, Bangalore-560 001.
21. R.L.Varma, now promoted as Scientist 'D' Electronics & Radar Development Establishment, Bangalore-560 001. .. Respondents.
(By Sriyuths M.S.Padmarajaiah, Central Govt.
Senior Standing counsel for R1 to R4.
Sri Jagadish, Advocate for R8, to 10,
12,13,16 and 18.
Sri S.V.Raghavachar, Advocate for R-17 absent)

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

O R D E R

Case called. Applicant Sri C.Ravi Prasad is present. His counsel Sri G.S.Ullal is absent. Sri Ravi Prasad has argued his own case.

2. Sri M.S.Padmarajaiah, learned Senior Standing Counsel for the Central Government appears for respondents 1 to 4. Sri Jagadish learned counsel appears for respondents 8 to 10, 12, 13, 16 and 18. Sriyuths S.V. Raghavachar and B.G.Naik, learned counsel for respondents 17, 15 and 50 respectively are absent.

3. In this transferred application from the High Court, the applicant while seeking for a direction to respondents 1 to 4 to promote him from Scientist Grade-C to Scientist Grade-D in the year 1980 has also challenged the validity of the Defence Research & Development Service

Rules of 1978 ('the Rules') and various other orders.

The applicant joined service in the Defence Department of Government of India in 1969 as senior Scientific Officer-Grade II. Under the Rules there was a selection by a Board called Assessment Board constituted by Government for the posts of Scientist Grade-D from Scientist Grade-C. The applicant, respondents 5 to 21 and several others appeared for selection before the Assessment Board. But, to his misfortune the applicant was not selected to Scientist Grade-D from 1-7-1980. He has been later selected to that grade from 1-7-1981. More than this, the applicant has voluntarily retired from service with effect from 4-3-1986.

4. Sri Ravi Prasad contends notwithstanding his later selection or promotion from 1-7-1981 and his voluntary retirement from 4-3-1986 this Tribunal should examine his grievance for selection from 1-7-1980 and extend him all such monetary benefits as he is entitled to in law.

5. Sri Padmarajaiah and Jagadish contend that having regard to the later promotion accorded to the applicant on 1-7-1981 and his voluntary retirement from 4-3-1986 this is not a fit case in which this Tribunal should adjudicate any of the questions raised by the applicant. We have given our anxious consideration to the fairly lengthy submissions made by Sri Ravi Prasad. We are of the view that when the applicant has been promoted from 1-7-1981 and he has voluntarily retired from service

from

from 4-3-1986, this is not a fit case in which we should unnecessarily spend our time and energy and determine the various interesting questions that are not free from doubt. Any adjudication and decision on the questions raised in this application will not give any substantial relief to the applicant. On the other hand a decision on the question would only upset the applecart. which should not normally be done by this Tribunal in a case that is not a live case at all.

6. On the foregoing discussion, we decline to examine every one of the questions raised in this application and dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

Ms. P. M. D. M.
VICE - CHAIRMAN

P. M. D. M.

MEMBER

np/