

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING No.6
PRESCOT ROAD, MUMBAI 400001

O.A.No. 22/93

Dated : Wednesday the 25th June, 1997

Coram : Hon. Shri Justice K.M. Agarwal, Chairman

H J Acharya
K-2/27 Jesal Park
Bhayandar (E)
PIN 401105

..Applicant

V/s.

Union of India
through the General Manager
Western Railway
Churchgate
Mumbai 400020
(By Adv. Mr. A L Kasturey)

..Respondents

ORDER

[Per: K M Agarwal, Chairman]

1. None appears for the applicant. Mr. A.L. Kasturey
Counsel appears for the respondents.

2. Learned counsel for the respondents informs that the
applicant H J Acharya has expired in January, 1997. He,
therefore, requested that the case be adjourned and in
the meanwhile to issue notice against the legal
representatives of the deceased applicant, if they so
desire, to continue with the petition.

3. I am of the view that the legal representatives of
the applicant themselves ought to have come and modified
the application for substituting their names, if
according to them the cause of action survives to them.

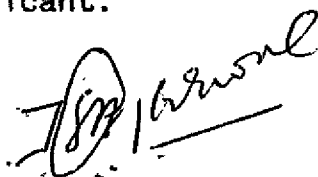
4. On perusal of reliefs sought in the petition, I find
that the applicant has mainly made a prayer for granting

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him selection grade or any specified grade and further prays consequential reliefs in terms of Railway Board letter dated 12.4.1977 after quashing the impugned order dated 30.11.1992 rejecting his representation for the said purpose.

5. I am of the view that the nature of relief is such which may not survive to the legal representatives of the applicant. Under the circumstances I do not consider it either necessary or expeditious to keep the matter pending and to give notice to the legal representatives of the deceased applicant, as suggested by the learned counsel for the Respondents. Instead I direct the petition be dismissed as it has become infructuous after the death of the applicant. However, if so advised, the legal representatives of the deceased applicant may move the Tribunal within a period of two months from the date of receipt of a copy of this order to restore the case on file, if they can show and demonstrate that the cause of action survives to them even after the death of the applicant. No costs. Let a copy of this order be sent to the registered address of the deceased applicant.

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(K M Agarwal)
Chairman

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