

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.1511/95

DATE OF DECISION:
The 31st Day of May 2000

Shri D.K.Nimbhore Applicant

Shri S.P.Inamdar Advocate for
Applicant.

Versus

Union of India/UPSC & Comp. & Audi. Gen. India .. Respondents

Shri P.M. Pradhan Advocate for
Respondents

Pradhan

CORAM

Hon'ble Shri B.N.Bahadur, Member (A)

Hon'ble Shri S.L. Jain, Member (J)

(1) To be referred to the Reporter or not?

No

(2) Whether it needs to be circulated to other Benches of the Tribunal?

No

(3) Library.

No.

B.N.Bahadur

(B.N.Bahadur)
Member (A)

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No.1511/95

Dated the 31st May, 2000.

CORAM: HON'BLE SHRI B.N.BAHADUR, MEMBER (A)
HON'BLE SHRI S.L.JAIN, MEMBER (J)

Mr. Dattatraya K. Nimbhore,
Asstt. Accts. Officer,
Office of the Accountant General
Maharashtra .

..... Applicant

By Shri S.P.Inamdar, Advocate.

Vs.

1. Union of India, through
Secretary, U.P.S.C.
New Delhi.11
2. The Comptroller & Auditor General
of India,
10, Bahadurshah Zaffer Marg
Indraprastha Head Post Office,
Post Box No.7
New Delhi 110 002.
3. Accountant General (A & E) I,
Maharashtra, 101, M.K.Road
Mumbai 400 020.

.... Respondents

By Shri P.M.Pradhan, Advocate.

O R A L - O R D E R

[Per: B.N.Bahadur, Member (A)]

In this Original Application, the Applicant has come up in grievance against the consequences of the decision of cancellation of his candidature at the Departmental Examination held for promotion into the Indian Audit and Accounts Service. Learned Counsel Shri Inamdar, and Learned Counsel Shri Karkera^{are} both present, and have been heard. Papers in the case have been perused and arguments considered.

B.N.B.

2. At the outset, Shri Inamdar Learned Counsel for the Applicant, fairly stated that the point now in question is a short point since the Applicant has failed at the said Examination. Hence the main O.A. has become infructuous in regard to main prayers, he admitted.

3. His point of argument however, was that since Applicant's candidature was wrongly cancelled and he had to come before this Tribunal, it is now his prayer, that costs may be awarded in this case. He reiterated that this cost may be awarded as already prayed by him and at para 8(e) of his Application.

4. We have carefully considered this aspect in regard to the costs. Once the O.A. has become infructuous, and there is no case for the Applicant it is not understood how the plea for costs can be sustained. He has come up to the Tribunal on his own and it is not that he has been dragged to it by the other party. We find no case for awarding costs, and in any case, as per admitted facts he has no case for the main relief sought either.

4. This O.A. therefore deserves to be dismissed and is hereby dismissed. No Orders as to costs.

S.L. Jain
(S.L.Jain)

Member (J)

B.N. Bahadur
31-5-2000
(B.N. Bahadur)

Member (A)

sj*