

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1098/97.

Date of Decision: 16/3/98

Babasaheb Umaji Chavan

Applicant.

Shri S.P. Saxena

Advocate for
Applicant.

Versus

The Union of India & Ors.

Respondent(s)

Shri R.K. Shetty

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri. M.R. Kolhatkar, Member (A)

- (1) To be referred to the Reporter or not? *WV*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *WV*

abp.

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6, PRESCOT RD, FORT.,

MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO: 1098/97.

DATED THE 16TH DAY OF MARCH, 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.
Hon'ble Shri M.R.Kolhatkar, Member(A).

Babasaheb Umaji Chavan,
19/3/ Naik Chawl,
Bopodi (Khadki),
PUNE - 411 003.

... Applicant.

By Advocate Shri S.P.Saxena

v/s.

1. The Union of India,
Through The Secretary,
Ministry of Defence,
DHQ PO, NEW DELHI-110 011.

2. The Commandant,
National Defence Academy,
Khadakwasla, PUNE - 411 023.

... Official Respondent.

By Advocate Shri R.K.Shetty.

3. Shri S.V.Amle,
Laboratory Assistant,
National Defence Academy,
Khadakwasla, PUNE - 411 023.

... Private Respondent.

By Advocate Shri R.K.Mendadar.

I O R D E R

{ Per Shri R.G.Vaidyanatha,V.C. }

Heard the Learned Counsel for Applicant, Counsel
for Official respondent Nos.1 and 2 and Counsel for respondent
No.3.

Shri S.P.Saxena, the Learned Counsel for
Applicant says that he will not press the OA since the
applicant has already been appointed and therefore the
reliefs prayed for in the OA has become infructuous. Even,
Counsel for respondent Nos.1 and 2 concedes that applicant
has since been appointed.

However, the Learned Counsel for respondent No.3
opposes the request made by applicant. When the applicant



says that he does not want to proceed with the case, respondent No.3 cannot have any legal objection for opposing the same; at the best, respondent No.3 can press for cost, but nothing else. But the learned counsel for respondent No.3 submitted that the appointment of the applicant is illegal and respondent No.3 should have been given appointment by applying the roster.

In our view these submissions cannot be considered now since the applicant is not pressing his application. However if respondent No.3 is aggrieved by order of appointment of the applicant, ^{then} ~~the~~ he must take necessary steps according to law to challenge the same.

As far as the cost ^{are} ~~is~~ concerned, we are still at the stage of pleadings and the applicant is not pressing the OA because he has now been appointed and the relief in the OA has become infructuous.

We, therefore, ^{would} ~~feel~~ that, for the above reasons, the OA is permitted to be withdrawn and there will be no orders as to costs. This order is without any prejudice to the rights of respondent No.3, who can take appropriate legal steps to challenge the appointment of applicant or to get any other relief according to law.

MR Kolhatkar
~~(M.R. KOLHATKAR)~~
MEMBER (A)

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.

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