

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1102/98.

Date of Decision: 23/4/99.

Arvind Dashrath Valvi - Applicant.

Shri S.V. Marne - Advocate for
Applicant.

Versus

Union of India & 2 Ors. - Respondent(s)

Shri S.C. Dhawan - Advocate for
Respondent(s)

CORAM:

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

Hon'ble Shri.

(1) To be referred to the Reporter or not? *NO*

(2) Whether it needs to be circulated to *NO*
other Benches of the Tribunal?

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

abp.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG. NO. 6, 4TH FLR OPRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 1102/98.

DATED THE 23RD DAY OF APRIL, 1999.

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

Arvind Dashrath Valvi,
Working as
Office Superintendent,
Grade I,
Statistical Branch,
Under General Manager,
Central Railway,
Mumbai CST,
Mumbai - 400 001.

... Applicant.

By Advocate Shri S.V. Marne.

v/s.

1. Union of India, through
Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. The General Manager,
Central Railway,
Head Quarters Office,
Mumbai CST,
Mumbai - 400 001.
3. Chief Personnel Officer,
Central Railway,
Mumbai CST,
Mumbai - 400 001.

... Respondents.

By Advocate Shri S.C. Dhawan.

I O R D E R

I Per Shri R.G. Vaidyanatha, Vice Chairman I

In this application the applicant is seeking quashing of the selection process initiated by letter dated 24/11/98 and also of quashing the order dated 23/12/98 and other consequential reliefs. Respondents have filed reply today. Heard the learned counsels appearing on both sides.

2. In the reply filed today, the respondents have rightly conceded the relief of the applicants and the impugned order/notification dated 24/11/98 has been cancelled by the department and they are no longer proceeding in pursuance of the said notification. They have even cancelled

h/s

the written test held on 23/12/98.

since the respondents have now stated that they are cancelling the notification dated 23/11/98 and all further action taken in pursuance of the notification, the prayer in the OA has become infructuous. and hence there is no necessity to keep the OA on Board.

3. In the result, the OA is disposed of at the admission stage for the above reasons. No order as to costs.

abp.

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

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R. P. No. 23/99 IN O.A. No.: 1102/98.

D+ 15-7-99

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

Central Railway
Union Of India.

... Petitioner.
(Original Respondent).

Versus

Shri A. D. Valvi

... Respondents.
(Original Applicant).

Tribunal's Order on circulation :

Per : Shri Justice R. G. Vaidyanatha, Vice-Chairman.

This is a review petition filed by the respondents to review our order dated 23.04.1999. We have perused the contents of the review petition and the entire materials on record.

2. The applicant had filed the original application challenging the validity of the notification dated 24.11.1998 and one of the main prayers in the O.A. is to cancel the notification dated 24.11.1998 and all subsequent action taken in pursuance of the said notification. The applicant had taken number of grounds challenging the said notification.

The respondents in their reply denied the grounds urged by the applicant for challenging the notification. However, they

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admitted that due to some administrative reasons the said notification has since been cancelled.

3. In our order dated 23.04.1999 we have mentioned that since the respondents have cancelled the notification, the O.A. has become infructuous and accordingly disposed of.

4. Now the respondents' grievance is that in our order we have mentioned that respondents have conceded the claim of the applicant and this amounts to the respondents admitting the case of the applicant and this will affect their stand on merits of the case. In our view, there is no merit in this contention. In our order we have only mentioned that respondents conceded the relief and not conceded the claim of the applicant. In other words, by saying "conceded the relief" we meant that the applicant wanted the cancellation of the notification and respondents have admittedly cancelled the notification. We have not used the words that respondents have admitted, accepted or conceded the claim of the applicant. We have not passed any order on merits of the case. Since the applicant was seeking cancellation of the notification and since the respondents have admittedly cancelled the notification, we disposed of the O.A. as having become infructuous. We have not expressed any opinion on the merits of the applicant's contention in the original application. We have not gone into the question of merits of the

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by

rival contentions. Hence, the respondents need not have any apprehension that their stand on merits will be affected by our order dated 23.04.1999 since we have not considered or decided the question on merits.

5. In the result, the review petition is rejected. No order as to costs.

R. G. Vaidyanatha
15.7.99
(R. G. VAIDYANATHA)

VICE-CHAIRMAN.

OS*