

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

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.

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