

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

T.A. No. 739/86

Date of decision: 2.12.93

SHRI VALLABH : Applicant

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. M.S. Gupta : Counsel for the applicant.

Mr. S.P. Bhargava : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member


PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

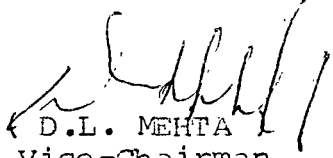
Heard the learned counsel for the parties. Perused the record.

2. The applicant referred para 7 of the plaint and submitted that four persons have wrongly been appointed on 4.4.85 and they have been favoured. Who were the four persons? their names are not there in the plaint and they are not parties before us. No relief can be granted even on equitable grounds to the applicant unless we hold that the four persons have been wrongly appointed and favour has been done to them.

3. They are not parties in the litigation. Apart from that there is no prayer that any junior person has been appointed and their appointment is bad, as such, he should be appointed from the date on which his juniors have been appointed. Mr. Gupta submits that there is no specific prayer but he submits that clause (3) may be read as a prayer. In clause (3), he has prayed that permanent injunction be issued and the decree be passed that the applicant should be appointed only in the grade of 455-700 on the post of Courier. He has not claimed from what date; on what grounds and, as such, the prayer has become infructuous as he cannot be promoted now as the applicant has retired.

4. Thus, we do not find any force in the T.A. and the same is dismissed accordingly, with no order as to costs.

  
( O.P. SHARMA )  
Administrative Member

  
( D.L. MEHTA )  
Vice-Chairman