

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH
JODHPUR.

TA No.884/86

Date of Order: Feb.02,1988

Yatish Jha

...Petitioner

Mr.D.P.Garg

...Advocate for petitioner

Versus

Union of India & Ors

...Respondents

Mr.M.S.Singhvi

...Advocate for respondents

CORAM:

Hon.Mr.B.S.Sekhon - Vice Chairman

Hon.Mr.C.C.Singhvi- Adm.Member

B. S. SEKHON

The instant suit has been instituted by the plaintiff in the court of Munsif, Ajmer City (East) Ajmer, praying for a declaration that he is senior to Shri O.P.Salvan defendant No.2 both as Chargeman scale Rs.425-700 and Senior Elec.Chargeman scale Rs.550-750, is entitled to promotion from September 21, 1979, had also prayed for the consequential relief/decree in the sum of Rs.1513.75 together with interest @ 12% per annum under section 34 of the Code of Civil Procedure. The suit had been instituted after service of a notice under section 80 of the Code.

2. The suit was transferred to the Tribunal by virtue of operation of section 29(1) of the Administrative Tribunals Act, 1985 (for short the Act). The T.A. was listed today for final hearing. Learned counsel for respondent No.1 stated at the Bar that plaintiff has already been assigned seniority over Shri O.P.Salvan and that as such his grievance stands redressed. Learned counsel for the plaintiff has not controverted the factum of according of seniority to the plaintiff over defendant No.2.

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3. In view of the aforesaid, the grievance of the plaintiff seeking declaration stands redressed. As a necessary corollary to the aforesaid, the consequential relief would also follow if the same has not already been granted.

4. In the premises, the T.A. is hereby dismissed on account of its having been rendered infructuous. In case the plaintiff feels aggrieved by any decision taken by the respondent in the matter of consequential relief, he shall be at liberty to file a fresh Application under section 19 of the Act.

G.C. Singhvi
(G.C. SINGHVI)
A.M.

2-2-88

B.S. Sekhon
(B.S. SEKHON)
V.C.

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Recd. 19/4/88
3/4/88
C for Resp

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