

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1600/95.

Dt. of Decision : 17-06-98.

1. ISRO Drivers' Association,
Sriharikota, Nellore District,
rep. by its Secretary
Mr.M.Kotaiah

2. K.Nagaraja

.. Applicants.

Vs

1. The Union of India, rep. by
Joint Secretary to Govt. of India,
Dept. of Space, Bangalore.

2. The Administrative Officer-II
Recruitment Section, ISRO:
SHAR Centre, Dept. of Space,
Govt. of India, Sriharikota,
Nellore District.

3. The Director, SHAR Centre,
Sriharikota, Nellore District.

.. Respondents.

Counsel for the applicants : Mr.M.V.Krishna Mohan

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Ja

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.M.V.Krishna Mohan, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. There are two applicants in this OA. The first applicant is the ISRD Drivers' Association, Sriharikota represented by its Secretary and the second applicant is LVD working under R-3.

3. They have filed this OA for the following reliefs:-

(1) To declare that the existing LVD-A members of applicant Association (44) are eligible for being considered for promotion as HVD-A without insisting on the experience of driving heavy vehicles as per rules applicable to them prior to 2-3-95 and consequently

(2) to direct the respondents to call for the applications from the existing LVD-A members of applicant Association and consider their claim for being promoted as HVD's in the present vacancies without the requirement of Heavy Vehicle Driving experience.

4. We ~~have~~ heard the learned counsel for the applicant for some time. Subsequently, the learned counsel for the applicant submitted that he is withdrawing this OA and that they would file fresh OA challenging the circular issued in September, 1995. ~~xxx~~

5. The applicants ^{have} ~~has~~ not challenged the proper circular of the department to grant ~~him~~ them the prayer. Without a proper challenge ^{to the circular} ~~order~~ which he feels ^{is} detrimental to his interest, it is not possible for us to give any direction in this connection. Further even if the prayer is amended to challenge the necessary circular, the OA has to be re-returned for giving reasons ^{to} ~~that~~ challenging the particular circular. ^{In that case} ~~Further~~ the OA itself will undergo change if it ^{is} ~~has~~ to be amended. Hence, we are of the opinion that it is

For file

preferable for the applicant, to withdraw this OA and take further measures in case they ^{are} interested to challenge the letter which are detrimental to ^{their} ~~his~~ interest.

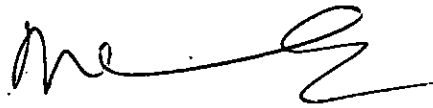
6. The respondents in their reply stated that this OA is not maintainable. Probably ~~if any~~ having such an adequate expertise in the administrative law they could have stated so at the time of admission itself. In any case, now that the applicants submit that they will withdraw this OA and file a fresh OA, there is no need ^{for us} ~~further~~ to go into the details of this case.

7. In the result, the OA is disposed of as withdrawn. But the applicants ~~are~~ are at liberty to file a fresh OA challenging the orders which are detrimental to ^{their} ~~his~~ interest in accordance with law if so advised. If such a fresh application is filed then the period from 26-12-95 to ~~till~~ ~~the~~ date will not ~~be~~ be counted for the purpose of limitation. No costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

17.6.98



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 17th June, 1998.
(Dictated in the Open Court)

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D R 18.6.98

Copy to:

1. The Joint Secretary to Govt. of India,
Dept. of Space, Bangalore.
2. The Administrative Officer-II, Recruitment Section, ISRO,
SHAR Centre, Dept. of Space, Sriharikota,
Nellore District.
3. The Director, SHAR Centre, Sriharikota,
Nellore District.
4. One copy to Mr. M. V. Krishna Mohan, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One copy to HBSJP, (M) (J), CAT, Hyderabad.
8. One duplicate copy.

YLKR

27/98

II COURT

TYPED BY -
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 17/6/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

D.A.NO. 1600/85

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

