

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDERS OF THE BENCH

05.08.2011

OA No. 221/2009 with MA 169/2009

Mr. S.S. Ola, Proxy counsel for
Mr. P.P. Mathur, Counsel for applicant.
Mr. D.C. Sharma, Counsel for respondents nos. 1 to 3.
Mr. C.B. Sharma, Counsel for respondent no. 4.

It is stated at Bar by the respective parties that the question involved in this OA is regarding ignoring uncommunicated bench marks for the purpose of promotion to the post of Chief Engineer (Electrical).

2. The same controversy was before the Hon'ble Delhi High Court in WP (C) No. 18706/2005 decided on 18.07.2008. The Hon'ble High Court in Para No. 8 of the judgment has held as under:-

“8. We accordingly allow this Writ Petition, make the rule absolute and set aside the impugned judgment dated 26.5.2005. The consequence would be that the OA filed by the respondent Nos. 3 & 4 before the Principal Bench of the Tribunal is dismissed and the directions contained in the judgment of the Allahabad Bench of the tribunal are to be complied with by the respondents. There shall, however, be no order as to costs.”

3. The judgment of the Hon'ble Delhi High Court has been challenged by the Union of India before the Hon'ble Supreme Court by filing Petition(s) for Special Leave to Appeal (Civil) No. 15770/2009. After issuing the notices in the Appeal, the operation of the judgment of the Hon'ble Delhi High Court has also been stayed.

4. Since the matter is sub-judice with the Hon'ble Supreme Court, the present OA also stands disposed of in the light of the judgment rendered by Hon'ble Delhi High Court in WP (C) No. 18706/2005 decided on 18.07.2008 subject to the decision of the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No. 15770/2009. The applicant is at liberty to move an application for revival of the OA, if so advised.

5. With these observations, the OA is disposed of with no order as to costs.

6. In view of disposal of the OA, no order is required to be passed in MA, which shall also stands disposed of accordingly.

Anil Kumar
(ANIL KUMAR)

MEMBER (A)

K. S. Rathore
(Justice K.S. Rathore)
MEMBER (J)

AHQ

*Copy given vide
Nc-1227 To 1229
9/8/11*

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