

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 3rd day of May, 2010

OA No.306/2009

CORAM:

HON'BLE MR. B.L.KHATRI, MEMBER (ADMV.)

J.C.Shrivastava,
s/o Shri Bhanwari Lal Shrivastava,
r/o Quarter No.2, NT-8, Type-III,
Narcotics Colony,
Mahaveer Nagar-III,
Kota, presently working as
Superintendent in the office of
Deputy Commissioner, Narcotics,
Mahaveer Nagar-I,
Jhawar Road, Kota.

.. Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India
through the Chairman,
Central Board of Excise and Customs,
North Block,
New Delhi.
2. The Commissioner of Narcotics,
19th Mall-Moras,
Gralior, MP.

.. Respondents

(By Advocate: Shri Mukesh Agarwal)



ORDER (ORAL)

In this case, the applicant has prayed for the following reliefs:-

"8.1 That the humble applicant prays that by a suitable writ/order or the direction the impugned order vide annexure A/1 dated 3/7/09 be quashed and set aside on the part of the applicant.

8.2 That the humble applicant prays that the applicant has submitted the representation dated 2/6/09 and 9/7/09 and further representation dated 9/7/09 vide annexure A/11 but the respondents have taken no action, therefore the respondents be directed to take the suitable action as per rules on the representation of the applicant.

8.3 That the annual increments be allowed to the applicant with effect from 1/5/2001 to 1/5/08 meaning by, the amount of 87 increments be drawn in favour of the applicant with a reasonable interest and within a reasonable period.

8.4 That as there is no provision in FRSR and there is no provision in the recruitment rules for conducting any test exam for the drawl of the increments therefore the humble applicant be exempted from any test/exam for the drawl of the increments and all the increments be allowed to the applicant.

8.5 The system of test/exam for drawing the yearly increments is quite arbitrary, therefore, being arbitrary the system of this test/exam for the drawl of yearly increment be quashed and set a side any by a suitable writ/order or the direction the respondents be directed not to conduct such test or exam for the drawl of yearly increment.

8.6 Any other relief which the Hon'ble bench deems fit."

2. I have heard the learned counsel for the parties.

3. The learned counsel for the respondents placed on record letter dated 8th April, 2010 (Ann.MA/1) whereby the relief prayed for by the applicant has been granted, relevant portion of which reads as under:-



".....

2. In this regard, the Board has now directed as under:-
"with reference to the impugned OA pending before the CAT, Jaipur Bench, the Board directed the release of the increments to the said affected officers from the date as otherwise due, without pressing for the enforcement of the draft rules warranting the officers to pass the said Departmental Examination."
3. It is requested that the Govt. Counsel may please be requested to apprise Hon'ble CAT, Jaipur about Board's decision in the matter suitably, in the aforesaid 2 O.A's. viz. OA No.305/2009 – B.L.Chhipa & O.A. No.306/2009 – J.C.Shrivastava. As the grievance of the applicants has been addressed suitably by the Board, the Hon'ble CAT may be requested to dispose of the aforesaid OAs."
4. In case the applicant is aggrieved by the order to be passed by the respondents, he is at liberty to approach this Tribunal again.
5. The OA is disposed of accordingly with no order as to costs.


(B.L. KHATRI)
Admv. Member

R/