

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.506 /2015

New Delhi, this the 8th day of July, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

OM Prarkash Sharma , aged about 61 years
Group "A" Officer (Retired)
S/o (Late) Sh. Sarup Singh Sharma
R/o H. No. 111/112, Pocket B -7
Sector 3, Rohini, Delhi -110085. Applicant

(By Advocate : Mr.R.S. Gill)

Versus

1. CMD BSNL,
Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110001.
2. CGM Inspector Circle
Sanchar Vikas Bhawan
Residency Road, Jabalpur, (MP)-482001) Respondents

(By Advocate : Mr. Pradeep Mathur)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

Heard the both counsel for the parties.

2. The prayer in the OA was as follows:-

“ (i) Direct the respondents to grant 2nd Time Bound IDA Scale Upgradation from E5 to E6 to the applicant which is due from date 28.02.2012.

(ii) To pass such any other order which their lordship deem fit and proper in the interest of justice.”

3. The respondents have issued the order dated 23.06.2015 granting IDA Scale up-gradation of executive of Inspection Circle from IDA Scale E5 (Rs.32900-58000/-) to E6 Rs.36600-62000/-) under Time Bound Executive Promotion Policy. It has been stated in the aforesaid order that benefit of 2nd time bound upgradation will be granted notionally from the due date, i.e., 28.02.2012 and actually from the date of completion of mandatory training i.e. 17.03.2012. Thus, now the prayer of the applicant in this OA has been met and it has now become infructuous.

4. Learned counsel for the applicant states that delay has been on the part of the respondents and thus the cost of the litigation should be paid to the applicant. However, there is no such prayer in the OA and hence this issue having not been raised before this Tribunal in the pleadings but only in the rejoinder filed by him, cannot be settled at this stage. The Tribunal cannot adjudicate an issue unless it is raised in OA and respondents are given opportunity to rebut the same.

5. In view of the fact that the issue has been settled by the respondents, this OA is dismissed in limine, as having become infructuous.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member A)

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