

Central Administrative Tribunal
Principal Bench

OA No.978/2012

New Delhi this the 13th day of July, 2016

Hon'ble Mr. Justice M.S. Sullar, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)

Smt. Indra Sharma,
Principal (Retd.),
C-64, Sector-30,
NOIDA (U.P.).

Applicant

(None)

Versus

1. Union of India through its
Secretary,
Human Resource and Development,
Govt. of India,
New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.Respondents

(By Advocate: Shri Satyendra Kumar for Shri R.N. Singh and
Shri S. Rajappa)

ORDER (ORAL)

Mr. Justice M.S. Sullar, Member (J):-

Applicant, Smt. Indra Sharma, preferred the instant
Original Application (OA), as back as on 21.03.2012 in this
Tribunal, to quash the impugned order dated 06.05.2009
(Annexure-E) and to declare the provisions of Note-3 under Rule
7 of Revised Pay Rules, 1997, as *ultra vires* of the Constitution of
India.

2. The respondents have stoutly denied the claim of the applicant and prayed for dismissal of the OA. The case was repeatedly adjourned on one pretext or the other. A bare perusal of the record would reveal that nemo had appeared on behalf of applicant on 27.11.2012, 27.05.2013, 17.01.2014, 21.04.2014, 22.04.2015, 16.11.2015 and 12.05.2016.

3. Ultimately, in the interest of justice, case was adjourned to 12.07.2016 for arguments. On that day, partly arguments were heard on behalf of respondents, but adjournment was requested by learned counsel for applicant to further argue the matter. Consequently, case was listed for final arguments for today, i.e., 13.07.2016. Today again, nobody is appearing to argue the matter on behalf of the applicant despite repeated calls.

4. From the sequence of events narrated hereinabove, we are of the firm view that applicant is not interested to prosecute the matter and we have no option but to dismiss the same for non-prosecution.

5. Therefore, the instant main OA is hereby dismissed in default on account of non-prosecution.

(V.N. Gaur)
Member (A)

(Justice M.S. Sullar)
Member (J)

Rakesh