

15

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO. 1610/2002

NEW DELHI THIS 29TH AUGUST 2003

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Sh. S K Gandhi, Sr. Auditor,
Office of the Controller of Defence Accounts (Air
Force)
107 Rajpur Road,
Dehradun - 248001

.....Applicant

(By None)

VERSUS

Union of India through

1. The Controller of Defence Accounts (Air Force)
107 Rajpur Road,
Dehradun - 248001
2. Shri G S Aswal, Sr. Accounts Officer (Air Force)
C/o the Controller of Defence Accounts (Air Force)
107 Rajpur Road, Dehradun - 240001

.....Respondents

(By Advocate: Sh. M K Aggarwal)

O R D E R (ORAL)

BY HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

None for the applicant. Applicant's application dated 27.8.2003 has been received in which he has submitted that he has filed a CWP against the orders of Hon'ble Chairman on rejection of his PT for which the High Court has fixed the hearing on 19.11.2003. Applicant has requested through this application that the present case be adjourned. On the other hand learned counsel for the respondent Shri M K Aggarwal has filed a copy of orders dated 25.8.2003 passed by the office of CGDA New Delhi stating that original penalty of Compulsory Retirement of the applicant w.e.f. 2.7.2002 which had been challenged in the present O.A. has been modified to the penalty of reduction of pay by two stages in the time scale

-2-

of pay for two years with immediate effect with stipulation that he would not earn increments of pay during the period of such reduction and on expiry of this period, the reduction will have the effect of postponing future increments of his pay vide order dated 21.8.2003. Learned counsel stated that in view of modification of the penalty of compulsory retirement assailed in the present OA, the OA has become infructuous. As the applicant has not challenged the orders modifying the original penalty dated 25.8.2003, ^{and by} we notice that applicant has not enclosed any Stay Order from Hon'ble High Court regarding the relevant orders passed by the Hon'ble Chairman on PT we proceed to deal with the present matter in terms of Rule 15 of CAT (Procedure) as there is no valid justification for applicant's absence. He was absent even on the previous several hearings. The impugned order having been modified by the respondents the present OA has ^{become infructuous} and as such this OA is disposed of as having been infructuous with liberty to the applicant to resort to legal remedy against the fresh orders passed by the respondents on 25.8.2003, if he so desires.



(Shanker Raju)
Member (J)



(V K Majotra)
Member (A)

Patwal/