



**Central Administrative Tribunal
Principal Bench**

OA No.3556/2019

With

OA NO.3562/2019

New Delhi, this the 10th day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

I. OA No.3556/2019

Cap. Pramod Kumar Bajaj,
S/o Late Shri PD Bajaj, Aged 59 years,
R/222, MG Road Lucknow

...Applicant

(In person)

Versus

Union of India,
Through the Chairman CBDT,
Department of Revenue,
Government of India,
North Block,
New Delhi-110001.

...Respondent

(By Advocate : Shri Hanu Bhaskar and Shri Aman Malik)

II. OA No.3562/2019

Cap. Pramod Kumar Bajaj,
S/o Late Shri PD Bajaj,
Aged about 55 years,
R/o 222, Dilkusha,
MG Road Lucknow

...Applicant

(In person)

Versus



Union of India,
Through the Chairman CBDT,
Department of Revenue,
Government of India,
North Block,
New Delhi-110001.

...Respondent

(By Advocate : Shri Hanu Bhaskar and Shri Aman Malik)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant is an IRS officer of 1990 batch. The voluminous litigation came to be initiated by him in respect of developments that have taken place in his service. While many OAs were disposed of, three OAs, namely, OA No.373/2016, 331/2019 and 442/2019 were pending before the Lucknow Bench of this Tribunal. In addition to that, CCP Nos.15/2019 and 26/2019 were also pending. The subject matter of the OA No.373/2016 is an order of transfer, that of OA No.331/2019 is a charge sheet and that of 442/2019 is an order of suspension dated 01.07.2019. The contempt cases are referable to some other OAs.

2. At one stage of the proceedings, the respondents in the OAs took a plea that Hon'ble Judicial Member of the



Bench may recuse herself from hearing the OA, by stating certain reasons. On consideration of the same, Hon'ble Judicial Member passed an order dated 05.12.2019, recusing herself from hearing all the five matters.

3. Since no other Division Bench is functioning at Lucknow, the applicant, Captain Bajaj, made a mention on 06.12.2019 before us that the matters may be called to this Bench and urgent hearing be taken up, in view of the direction issued by the Lucknow Bench of the Hon'ble Allahabad High Court. Acceding to his request, a message was sent to Registrar at Lucknow, and he, in turn, made available the records of all the five cases, referred to above. The cases stood transferred in terms of Section 25 of the Administrative Tribunals Act. After such transfer, they were re-numbered as OA No.3562/2019, OA No.3563/2019 and OA No.3556/2019. The contempt cases are re-numbered as CP No.538/2019 and CP No.539/2019, on the file of this Bench. There is a direction issued by the Lucknow Bench of the Allahabad High Court that OA No.331/2019 and OA No.442/2019 (OA No.3563/2019 and



3556/2019, on the file of this Bench) be taken up for hearing and decided before 15.12.2019.

4. All the five matters were posted before us today and we heard the applicant who argued the cases in person as well as Shri Hanu Bhaskar and Shri Aman Malik, learned counsel for respondents, in considerable detail.

5. OA No.3562/2019 (OA 373/2016 on the file of the Lucknow Bench) is filed challenging the order of transfer. It is brought to our notice that through an order dated 27.09.2019, the President ordered compulsory retirement of the applicant invoking FR 56(J). As of now, the applicant has availed the remedy of review against the said order.

6. Once the applicant is out of service with the order of compulsory retirement, the order of transfer becomes superfluous, if not redundant. It is a different matter that in case the order of compulsory retirement is set aside and he is reinstated into service, the issue pertaining to transfer can be examined, afresh.



7. We, therefore, dismiss the OA No.3562/2019 (OA No.373/2016 on the file the Lucknow Bench) as infructuous.

8. OA No.3556/2019 (OA No.442/2019 on the file the Lucknow Bench) is filed challenging the order of suspension dated 01.07.2019. For the same reason, i.e. on account of the compulsory retirement of the applicant, the suspension comes to an end. The apprehension of the applicant is that the respondents may not take his last pay drawn in its entirety and may restrict the pensionary benefits on the basis of the Subsistence Allowance. As of now, the respondents have not taken any decision in that behalf. However, once, the order of compulsory retirement is passed, it is natural that the salary, which the applicant was otherwise entitled to, needs to be taken into account, in the context of the determination of pensionary benefits, if otherwise payable to the applicant. At any rate, it is too early to address that issue. In case the applicant feels any grievance in that behalf, he can pursue the remedies.



9. Therefore, we dismiss the OA No.3556/2019 (OA No.442/2019 on the file the Lucknow Bench) as infructuous. However, we make it clear that in case the applicant is inducted into service, the legality of the suspension can be considered once again.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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