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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-691/98
MA-142/99
MA-810/99

New Delhi this the 10th day of August, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Mrs. Gauri Bholla,
W/o Sh. G.D. Bholla,
R/o Q.No.44, Sector-IV,
R.K. Puram,
New Delhi-110 220. Applicant

(through Sh. P.P. Khurana, advocate)

versus

1. Union of India through
the Secretary, Ministry of Finance,
Dept. of Revenue, Central Secretariat,
North Block, New Delhi.
2. Chairman,
Central Board of Excise &
Customs, Central Secretariate,
North Block, New Delhi.
3. Commissioner of Customs,
Customs Collectorate-Delhi,
New Custom House,
Gurgaon Road,
New Delhi.
4. Addl. Commissioner(P&V),
Custom & Central Excise Collectorate,
Central Revenue Building,
I.P. Estate, New Delhi. Respondents

(through Sh. R.R. Bharti, advocate)

ORDER(ORAL)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

MA-142/99 has already been disposed of in
terms of Tribunal's order dated 21.1.99.

2. We have heard Shri P.P. Khurana,
learned counsel for the applicant and Shri R.R.
Bharti, learned counsel for the respondents on
MA-810/99.

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3. The learned counsel for the applicant has submitted, interalia, that the charge memo dated 1.1.99 is nothing but a reproduction of the salient facts/features of the earlier impugned order dated 9.2.96 which admittedly was the subject matter in this O.A. (No.691/98) which has been filed on 16.3.98. He has submitted that by order dated 1.1.99 the original chargesheet dated 9.2.96 has been cancelled/withdrawn and a fresh charge-memo dated 1.1.99 under Rule 14 of the CCS(CCA) Rules, 1965 has been issued. In the circumstances, the learned counsel has further submitted that there is no impediment to his prayer for the amendment being allowed as contained in MA-810/99 to substitute the grounds taken in paragraph 5 and consequential amendments in the relief clauses in paras 8 and 9.

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4. Shri R.R. Bharti, learned counsel for the respondents, on the other hand, submitted that as the impugned order dated 9.2.96 which has been the subject matter in the O.A. has been cancelled/withdrawn by the respondents, the O.A. itself has become infructuous. He further submitted that in case the applicant is aggrieved by the charge-memo dated 1.1.99, it is open to her to pursue such reliefs as mentioned in the M.A. by filing a fresh O.A., if so advised.

5. We have carefully considered the pleadings and the submissions of the learned counsel for the parties.

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6. The main prayer in OA-691/98 was to quash and set aside charge-memo dated 9.2.96 and for a direction to the respondents to forthwith promote the applicant as Inspector w.e.f. 16.12.93 when she was put under suspension and later on revocation of the suspension with all consequential reliefs

7. From the facts stated above, it is seen that the respondents themselves have cancelled/withdrawn the impugned charge-memo dated 9.2.96. This fact is not denied by the applicant. It is no doubt correct that the respondents have issued another charge-memo dated 1.1.99, which in the circumstances of the case gives a separate cause of action to the applicant. In the circumstances of the case, we find force in the submissions made by the learned counsel for the respondents. It is open to the applicant, if aggrieved by the charge-memo dated 1.1.99, to pursue such remedies as ^{are} available to her in law.

8. In view of the above facts and circumstances of the case, we also find that the main relief prayed in OA-691/98 has itself become infructuous. It is for the respondents to pass consequential orders with regard to their statement of withdrawing/cancelling the impugned charge-memo dated 9.2.96 as expeditiously possible, ^{say} within two months, in accordance with the relevant rules and instructions.

9. For the reasons given above, MA-810/99 is rejected.

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10. Accordingly, OA-691/98 also stands disposed of as having become infructuous. No costs.


(S.P. Biswas)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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