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12.1.99
D-22
OA.378/98 with
OA.773/95

Present: Ms S. Janani, learned counsel for the applicant in both OAs.
Shri Mohar Singh, learned counsel for the respondents in OA.378/98.
Shri R.V. Sinha, learned counsel for respondents through learned proxy counsel Shri R.N. Singh in OA.773/95.

OA.378/98

List OA.378/98 with regard to claim for enhancement of subsistence allowance between the date of order of suspension and revocation on 16.3.99.

OA.773/95

Both the learned counsel have been heard.

Orders passed separately.

W
(K. Muthukumar)
Member(A)

18/
(Smt. Lakshmi Swaminathan)
Member(J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 773 of 1995

New Delhi, this 12th day of January, 1999.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

B.S. Saxena
Central Ordnance Depot
Delhi Cantt.
New Delhi.

... Applicant

By Advocate: Ms S. Janani

versus

1. Union of India, through
Secretary
Ministry of Defence
South Block
New Delhi.
2. The Director General
Ordnance Services
Master General of Ordnance Branch
Army Headquarters DHQ P.O.
New Delhi-110 011.
3. The Army Ordnance Corps Records
P.B.No.3, Trimulgherry P.O.
Secunderabad-500 015.
4. The Commandant
Central Ordnance Depot
Delhi Cantt.
New Delhi.

... Respondents

By Advocate: Shri R.N. Singh, proxy
for Shri R.V. Sinha.

O R D E R (oral)

HON'BLE SMT. LAKSHMI SWAMINATHAN, M(J)

Learned counsel for the applicant has submitted that in pursuance of the Tribunal's order dated 5.11.97 in MA.1058/97 in OA.773/95 (B.S. Saxena Vs UOI & Ors.), the respondents have passed order dated 26.12.97 ordering for revocation of the suspension order of the applicant dated 30.10.96

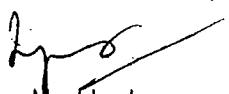
pending finalisation of the Court/departmental proceedings. By order dated 21.12.97 the request of the applicant for enhancement of subsistence allowance was rejected by the appellate authority which has been separately challenged by the applicant in OA.378/98.

2. In the present OA, the learned counsel for the applicant has submitted that the reliefs prayed for in paragraphs 8(a)&(b) have been granted. However, further consequential benefits, e.g. payment of arrears of DA, Pay and Allowances etc. as prayed for in clause (c) has not been given. She however, submits that the consequential benefits on the applicant's re-instatement has to be dealt with by the competent authority on the conclusion of the Court/departmental proceedings which are now pending.

3. In the circumstances, Ms. S. Janani, learned counsel has submitted that as the main reliefs prayed for in this OA have been granted by the respondents, the OA has become infructuous for the reasons given above.

4. Learned proxy counsel for the respondents does not also differ from the submissions made by the learned counsel for the applicant with regard to the facts mentioned above.

5. In view of the above, OA.773/95 is disposed of as having infructuous. No order as to costs.


(K. Muthukumar)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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