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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

~~Case~~ in OA 1351/96

New Delhi, this 17th day of July, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri S.P. Biswas, Member(A)

Shri Haribhaskar, IAS,  
Guidy Lodge, Guindy  
Madras-600032  
c/o Tamil Nadu House, New Delhi .. Petitioner

(By Advocate Shri A.K. Sinha)

versus

Union of India, through

1. Secretary  
Ministry of Personnel & Admn. Reforms  
North Block, New Delhi
2. Chief Secretary to Govt. of  
Tamil Nadu, Fort St. George  
Madras .. Respondents

(By Advocate Shri V.S.R. Krishna for R-1, and  
S/Shri V.Krishnamurthy and V.Ramasubramaniam for  
R-2)

ORDER(oral)

Hon'ble Dr. Jose P. Verghese

The applicant is aggrieved by the the order of suspension issued on 5.6.1996. It is stated that the applicant superannuated on 25.6.96. The suspension order is said to have been passed pending departmental proceedings contemplated against the applicant on the basis of serious allegations. The case of the respondents are that the charge-sheet has been subsequently issued and an application in the Chennai Bench of the Tribunal has also been filed by the applicant against the said charge-sheet.

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2. Counsel for the applicant submits that the suspension order issued on 5.6.96 is 'non-est' today since the applicant has already superannuated on 30.6.96. In view of the various decisions including the decision of this court given on 11.7.97 in OA 1342/97 and OA 1335/97, we are of the opinion that suspension order issued just before superannuation will not survive after the retirement of the incumbent.

3. We are supported by the view of the Chennai Bench of the Tribunal which were referred to a third Member who also agreed with the decision of the DB. It was stated that a writ petition against the said decision has been filed in the Chennai High Court. The short question now to be considered is whether the suspension order can be quashed by this Court or not.

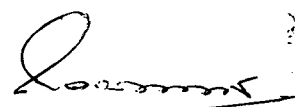
4. We are of the view that it is not necessary for this court to quash the suspension order in view of the fact that the order of suspension has ceased to exist from the date of superannuation.


5. The counsel for the respondents raised a preliminary objection that this court has no jurisdiction to deal with the matter since the order challenged in this OA has been passed in Chennai and the applicant was also stated to be

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working in Chennai. We have given anxious thought to the preliminary objection raised by the learned counsel for respondents and considered whether this petition should be transferred to Chennai Bench at this stage of the case. We are of the opinion that even though the question of jurisdiction goes to the root of the matter, on a practical point of view, no useful purpose can be served, by sending this application to Chennai, now. Since the order of suspension has already become infructuous, it may amount to injustice to ask the applicant to go back to Chennai, instead of settling the matter here itself. Moreover, we find since 28.6.96, a number of hearings have already taken place before this Bench and we feel that we must dispose of this OA today itself.

6. In the circumstances and in the interest of justice, we declare that the order of suspension has become infructuous. The applicant, will be entitled to all consequential benefits in accordance with rules. There shall be no order as to costs.

  
(S.P. Biswas)  
Member(A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman(J)

/gtv/