

345

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 354-A/89

New Delhi this the 25th day of July, 1994

COGRAM :

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

V. K. Mittal S/O R. P. Gupta,
Technical Assistant,
Union Public Service Commission,
Shahjahan Road,
New Delhi.

... Applicant

None for the Applicant

Versus

1. Secretary,
Union Public Service Commission,
Shahjahan Road,
New Delhi.
2. Chairman, Union Public
Service Commission,
Shahjahan Road,
New Delhi.
3. Joint Secretary, (Admn.),
Union Public Service Commission,
Shahjahan Road, New Delhi.
4. Dy. Secretary (Admn.),
Union Public Service Commission,
Shahjahan Road, New Delhi.
5. Under Secretary (Admn.),
Union Public Service Commission,
Shahjahan Road, New Delhi.
6. Secretary, Department of
Personnel & Training,
Min. of Home Affairs,
North Block, New Delhi.
7. Shri B. D. Sharma,
Inquiry Officer,
Under Secretary, UPSC,
Shahjahan Road, New Delhi.
8. Shri R. B. Manjhi,
Technical Assistant, UPSC,
Shahjahan Road, New Delhi.
9. Shri O. P. Sharma,
Assistant, UPSC,
Shahjahan Road, New Delhi.

10. Shri S. K. Verma,
Assistant, UPSC,
Shahjahan Road, New Delhi.

11. Shri Banke Lal,
Assistant, UPSC,
Shahjahan Road,
New Delhi.

... Respondents

By Advocate Mrs. B. Rana

ORDER (ORAL)

Shri S. R. Adige, Member (A) :-

In this application, Shri V. K. Mittal, Technical Assistant, Union Public Service Commission, New Delhi, has prayed for revocation and quashing of the suspension order dated 10.11.1986 and also for a direction to the respondents that the result of the inquiry in respect of Shri R. B. Manjhi should be the result in the rest of the cases also, including the applicant.

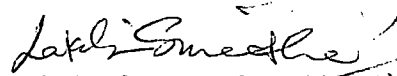
2. We note that this case has been pending since 17.2.1989. On the last two successive dates a prayer was made by the applicant's counsel for time to seek instructions from his client. On 30.5.1994, the applicant's counsel stated that he had still not been able to seek instructions from his client because he was hospitalised, and by way of indulgence, a last opportunity was given to him to seek necessary instructions, failing which it was ordered that the matter would be heard on the basis of the materials on record, pleadings and submissions made by the learned counsel for the respondents. Again, when the case was called out on 13.7.1994, none appeared for the applicant even on the second call and a further opportunity was given to the applicant to argue his case.

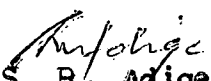
3. Today, when the case was called out, none appeared for the applicant although we waited for considerable time. This case was at sl. No.6 in the list of first 10 cases scheduled for peremptory hearing. Accordingly, we are proceeding to dispose it of on the basis of the materials on record, the pleadings and the submissions made by the learned counsel for the respondents.

4. Mrs. Rana, learned counsel for the respondents, informs us that originally there were nine applicants, each of whom were proceeded against departmentally through separate departmental proceedings. Of these nine applicants, four subsequently got their names deleted by order dated 12.9.1989, leaving five. Out of these five applicants, one was permitted to withdraw on 9.12.1991 and three were permitted to withdraw on 24.2.1994, leaving only the present applicant.

5. We note that the applicant's services have been terminated vide order dated 25.9.1990 (Annex. R-8), and hence, this application for withdrawal of the suspension orders has been rendered infructuous. That apart, the departmental proceedings conducted against each of the nine erstwhile applicants were separate and different and, therefore, the result of the inquiry in respect of Shri R. B. Manjhi cannot be applicable in the present case.

6. Under the circumstances, this application is wholly devoid of merit and it is accordingly dismissed. No costs.


(Lakshmi Swaminathan)
Member (J)


(S. R. Adige)
Member (A)