

**Central Administrative Tribunal
Principal Bench**

**OA No.3546/2019
MA No.1290/2020
MA No.3925/2019**

New Delhi, this the 17th day of August, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Ms. Sharda Subramaniam
(Aged about 50 years),
W/o. Mr. Sandeep Dash
R/o. M-12, Ground Floor,
Kailash Colony,
New Delhi – 110 048
Group 'A' Post.

....Applicant

(By Advocate : Ms. Rashmi Chopra)

Versus

1. The Comptroller And
Auditor General of India
9, DDU Marg,
New Delhi – 110024.
2. Principal Director (Personnel)
Comptroller and Auditor
General of India
9, DDU Marg,
New Delhi – 110024.
3. Union Public Service Commission
Dholpur House,
Shahjahan Road,
New Delhi – 110 069.

...Respondents

(By Advocate : Mr. Rajesh Ranjan with Shri R. K. Jain)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The disciplinary proceedings were initiated against the applicant by issuing a charge Memo dated 19.07.2017. Challenging the same, she filed this OA by raising several grounds. Notice was ordered on a limited context.

2. During the pendency of the OA, the applicant was dismissed from service through an order dated 19.05.2020. Thereupon, the applicant filed MA No.1290/2020 raising the grounds referable to Section 19 (4) of the Administrative Tribunals Act, 1985. According to her once the OA is admitted by the Tribunal, the further proceedings in pursuance of the charge memo must abate and the order of dismissal dated 19.05.2020 is patently illegal. In fact, she prayed for suspension thereof.

3. We heard Ms. Rashmi Chopra, learned counsel for the applicant and Shri Rajesh Ranjan and Shri R. K. Jain, learned counsel for the respondents, at length.

4. It is no doubt true that the applicant has raised several grounds in the challenge to the charge memo. The fact, however, remains that the applicant has since been dismissed from service through order dated 19.05.2020. Thereby challenge to the charge memo virtually became redundant. If the applicant is aggrieved by the order of dismissal, she has to institute separate proceedings.

5. The ground referable under Section 19 (4) of the Administrative Tribunals Act, 1985, in our considered view does not apply to the facts of the case. What the provision mandates is that, once an OA in which any particular order is challenged, is admitted, the proceedings such as appeal and review availed against that very order would abate. It is far from saying that no further steps shall be taken in pursuance of the order, challenged in the OA, even if the Tribunal did not grant any stay. When we pointed out this aspect, learned counsel for the applicant sought permission of the Tribunal to withdraw the MA as well as the OA, with liberty to file a fresh OA, to challenge the order of dismissal.

6. The OA as well as MA are accordingly dismissed as withdrawn. It shall be open to the applicant to avail the remedy against the order of dismissal passed against her.

7. M.As.1290/2020 and 3925/2020 shall stand dismissed.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/sd