



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No.1428/2018**

**This the 4<sup>th</sup> day of February, 2021**

(Through Video Conferencing)

**Hon'ble Mr. A. K. Bishnoi, Member (A)  
Hon'ble Mr. R.N. Singh, Member (J)**

D.N. Mishra, aged about 57 years,  
S/o Late Sh. Ram Sekhar Mishra,  
Asstt. Engineer, (Under Suspension),  
D.M.C. Kargil (J&K)  
Present Address- c/o Sh. Raghupati Lal Sharma,  
WZ-106/14, Rajori Garden Extension, New Delhi  
Permanent R/o HIG-IV, Post Office-Chargawan,  
Gorakhpur (U.P.)-273013

... Applicants

(through Advocate : None)

**Versus**

1. The Director General Doordarsharn,  
Vigilance Section,  
Prasar Barti/Doordarshan Bhawan,  
Mandi House, Copernicus Marg,  
New Delhi
2. The Sr. Vigilance Officer,  
Doordarshan Directorate,  
Doordarshan Bhawan,  
Mandi House, Copernicus Marg,  
New Delhi
3. The Dy. Director General (Engineering),  
All India Radio, Kargil (J&K)
4. The Additional Director General  
(Engineering) (North Zone)  
Akashvani & Doordarshan,  
Jamnagar House, Shahjahan Road,  
New Delhi



5. The Incharge,  
Doordarshan maintenance Centre,  
Kargil (J&K) ... Respondents

(through Advocate Shri D.S. Mahendru)

### **ORDER (Oral)**

**Hon'ble Mr. R. N. Singh, Member (J):**

In the present OA, the applicant has prayed for the following relief(s):-

“8(a) That impugned Speaking Order dt. 30.08.2017 (Annexure A-1) of the Applicant’s Suspension supported with Memo dt. 08.12.2017 (Annexure A-2), conveyed to the charged employee, is neither issued by the Competent Disciplinary Authority, nor the Suspension of the applicant is one prescribed under the rules. In addition to the above said infirmities, other grounds in regard to the illegalities of the said order are also state with specific details in the O.A. Therefore, the Impugned Orders not maintainable in law. The same may therefore, may be ordered to be set-aside by this Hon’ble Tribunal.

(b) that the entire illegal order of Suspension from Service f the charged employee may thus set-aside and quashed by this Hon’ble Tribunal. He may be treated continuous in service in his post and position with all consequential benefits.

(c) Allow any other further relief which this Hon’ble Court may deem fit and proper in the circumstances of this case in order to meet the ends of justice.

And

(d) Allow costs of the Application in favour of the humble applicant.”



2. Pursuant to notice from this Tribunal, the respondents filed the counter reply. Subsequently, during the pendency of the OA, MA No. 1882/2020 has been filed on behalf of the respondents seeking appropriate directions.

With the assistance of the said MA, learned counsel for the applicant submits that the pleadings are complete in the matter and the matter was fixed for hearing on 19.03.2020.

Paras 3 and 4 of the MA under reference reads as under:-

“3. That in the meanwhile it has come to the notice of the respondents through applicant’s wife that the applicant had died on 03.05.2019 in a train accident. Accordingly the respondents issued an order dated 18.07.2019 whereby it has been held that as per DOP&T OM dated 20.10.1999 the disciplinary proceedings should be closed due to the death of the applicant. Accordingly the disciplinary authority closed the said proceedings. A copy of the death certificate of the applicant and copy of order dated 18.07.2019 are annexed as Annexure R-1 & R-2 respectively.

4. That in view of the above facts the above OA has become infructuous and the same is liable to be dismissed by the Hon’ble Tribunal.”

3. Learned counsel for the applicant in MA submits that in view of the aforesaid, nothing survives in the present OA. Nobody has been appearing in the matter on behalf of the applicant in the OA and accordingly the OA may be disposed of, as having become infructuous.

4. In view of aforesaid, the OA is disposed of as having become infructuous. Pending MA also stands disposed of. No costs.



**(R.N. Singh)**  
**Member (J)**

**(A. K. Bishnoi)**  
**Member (A)**

/cc/daya/neetu