

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.15/2020

This the 08th day of December, 2020

Shri Dipakbhai, Son of Shri Hirabhai Baraiya
Aged 54 years,
Working as Peon – Group ‘D’ employee
in the office of the respondents.
Residing at Vadhvan Siyani Pol Bahar
Nr. Bhangi Vas, Mahakali Krupa, Vadhvan,
District : Surendranagar 363 030. Applicant.

(By Advocate : Shri M.S.Trivedi)

VERSUS

1. The Regional Director,
O/o. R.D., Employees State Insurance Corporation
Ministry of Labour & Employment, Government of India,
Ashram Road, Ahmedabad – 380 009.
2. The Deputy Director,
O/o. Deputy Director
Employees State Insurance Corporation
Ministry of Labour & Employment, Government of India,
Ashram Road, Ahmedabad – 380 009.
3. Shri Gautam Kumar, Inquiry Officer
O/o. Deputy Director
Employees State Insurance Corporation
Ministry of Labour & Employment, Government of India,
Ashram Road, Ahmedabad – 380 009.

(By Advocate Shri Joy Mathew)

ORDER – ORAL

Per : Hon’ble Shri J.V. Bhairavia, Member (J)

In the present OA, counsel for the respondents, Shri Joy Mathew has placed on record Note dated 04.12.2020 along with

communication dated 17.11.2020 addressed to him by the Regional Director, Employees State Insurance Corporation, Ahmedabad i.e. Respondent No.2 in this OA, and submitted that the competent authority has decided and directed that inquiry proceedings initiated against the applicant under the charge memo dated 23.06.2005 has been withdrawn, this OA has become infructuous. In this regard, he has brought to the notice of this Tribunal para 3 of the letter dated 17.11.2020 written by respondent No.2, which reads as under :

“3. Thus, Competent Authority has directed that inquiry proceedings ordered earlier is withdrawn and also the order relating to appointment of Shri Gautam Kumar, Deputy Director as Inquiry Officer is withdrawn on basis of order of Hon’ble CAT, Ahmedabad Bench and also in view of letter dated 11.09.2020 of Shri Gautam Kumar.”

2. On the otherhand, counsel for the applicant, Shri M.S.Rao submits that since the competent authority has decided to withdraw the charge memo dated 23.06.2005, the inquiry proceedings which were initiated against the applicant now does not exist. Therefore, the applicant is entitled for all consequential benefits and for which the respondents are required to be directed to pay and release the said consequential benefits to the applicant.

3. Since the disciplinary proceedings initiated against the applicant by way of charge memo dated 23.06.2005 now stands withdrawn by the competent authority as per letter dated 17.11.2020 issued by the respondent No.2, naturally, it goes without saying, if any accrued right

of the applicant or his entitlement to service benefits has been withheld or not given due to aforesaid departmental inquiry proceedings, the respondents shall consider the issue and take expeditious decision on it to avoid any further litigation.

4. With the aforesaid observation and taking note of the fact that disciplinary proceedings initiated against the applicant stands withdrawn by the competent authority, the OA stands disposed of accordingly. No order as to costs

(J.V.Bhairavia)
Member (J)

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