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12.10.1987

Sushil Kumar vs. ACP &amp; ORS

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Present : Shri D. K. Gaur counsel for the applicant.  
Shri M. M. Sudan for respondents.

Heard counsel on either side. The relief that is claimed in this application is to "dismiss the whole departmental proceedings" against the applicant. In the written statement filed on behalf of the respondents to whom the notice was issued on admission, it is stated that the departmental proceedings have been completed and as the result of the same the applicant has been ~~dis~~ dismissed from the service by an order dated 3.7.1987. A copy of the order has also been produced by the respondents.

Counsel of the applicant submitted that though such an order has been passed it ~~was~~ not open to the respondents to proceed ~~that~~ <sup>with</sup> the enquiry since the present application was filed. On a perusal of the proceedings in this application, we are unable to find that there was any stay of the departmental proceedings, ordered by this Tribunal. Hence we are unable to accept this ~~application~~ <sup>submission</sup>. As it is, since the departmental proceedings have culminated in the imposition of the penalty the remedy open to the applicant is to challenge the penalty in an appropriate proceedings. We hold that this application cannot be admitted. Ordered accordingly.

Shri B. K. Gaur, submits that he orally prays for a review of this order on the ground that he has not been heard. The prayer is rejected since we have passed the above order after hearing him well.

*C. Sreedharan Nair*  
(G. Sreedharan Nair)  
Member (B)

*S. P. Mukerji*  
(S. P. Mukerji)  
Member (A)