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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CA 150/91
HA 737/94

New Delhi, this the 9th Day of September, 1994.

Hon'ble Mr. B.M. Dhoundiyal, Member (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Sh. Madina Mishra,
S/o Shri. Kalap Nath Mishra,
P/O Village Hama, P.O. Amila,
District Mau-275301 (UP). Applicant

(through Sh. S.K. Bisaria, counsel)

versus

1. Union of India,
through General Manager,
North Eastern Railway,
Gorakhpur.
2. Chief Operating Supdt.,
North Eastern Railway,
Gorakhpur.
3. Chief Commercial Supdt.,
North Eastern Railway,
Gorakhpur.
4. Addl. Divl. Railway Manager,
North Eastern Railway,
Varanasi.

Respondents

(through Sh. Shyam Moorjani, counsel)

ORDER (ORAL)

Delivered by Hon'ble Mr. B.M. Dhoundiyal, Member (A)

The applicant came to this Tribunal in C.A.No 150/91 praying for quashing the order dated 21.3.1988 by which he was directed to be removed from service w.e.f. 9.4.1988. In the judgement dated 16.1.1992, the order of removal as well as the order passed by the Appellate Authority were set aside on the ground that a copy of the report of the Enquiry Officer had not been supplied to the applicant before awarding punishment. An S.L.P. was filed by the respondents and the case was remanded back by the Hon'ble Supreme Court observing that the applicant cannot get the benefit of the Hon'ble Supreme Court's judgement in the case of

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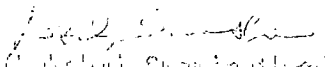
Union of India & Ors. Vs. Mohd. Ramzan Khan (AIR 1991(30) 471) and the Tribunal was in error in quashing the proceedings. The case was, therefore, remanded for further consideration as to whether any point of law arises to be argued on behalf of the respondents.

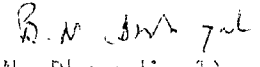
The learned counsel for the applicant has brought to our notice the letter issued by the respondents on 12.7.93. It states that a copy of the inquiry officer's report was supplied to the applicant on 15.4.93 and his representation was considered by the competent authority. It also states that the disciplinary proceedings are dropped and records only Government displeasure against the applicant.

In view of these developments, the C.A. has become infructuous. In case, any order in respect of this enquiry prejudicial to the interest of the applicant is passed, the applicant shall be free to come to this Tribunal.

With these observations the D.A. is finally disposed of.

No costs.


(Chief Examiner)
Member (J)


(B.N. Pandey)
Member (A)