

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NUMBER 291 OF 1998

WEDNESDAY, THIS THE 9th DAY OF OCTOBER, 2002

HON'BLE MAJ GEN K K SRIVASTAVA, MEMBER (A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Shri Sundar Lal (M.E.S. No.440126)
Superintendent B/R Grade-I, G.E. (A.F)
Kheria, Son of Late Ail Das, 64, Vinay Nagar,
Shah Ganj Bodia Road,
Agra. (U.P.)

.....Applicant

Counsel for the Applicant Shri Ashok Kumar

V E R S U S

1. Union of India, through the Secretary,
Ministry of Defence,
New Delhi.
2. Engineer-in-Chief,
Army Head Quarter,
D.H.Q., P.O. New Delhi-110 011
3. Chief Engineer, Central Command,
through C.E. (A.F.) Bamharauli,
Allahabad.
4. C.W.E. (Air Force), Maharajpur,
through G.E. (Air Force),
Kheria.

.....Respondents

Counsel for the Respondents Shri P. Mathur

O R D E R

Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A., the applicant has claimed the
following reliefs:-

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- (i) to issue writ, order or direction commanding the respondents to clear the efficiency bars of the Applicant, already sanctioned vide respondent No.3 letter no.90170/EB/68 dated April 1991 on serial No.26 and implement the same with arrears plus penal rate of interest.
- (ii) to issue a writ, order or direction in the nature of certiorari summoning the records of the enquiry proceedings, (exonerating the Applicant), order of elevation of the Applicant to the rank of Assistant Engineer from the date had originally a crucial.
- (iii) to issue and other writ, order or direction consider, expedient and in the interest of justice.
- (iv) to award cost of this application to the Applicant.

2. Today when the matter came up for hearing, none is appeared on behalf of the applicant even in the revised call. Since this matter pertains to the year 1998, we do not want to adjourned the matter.

3. More so, we firstly informed by the respondents counsel Shri P. Mathur that the reliefs claimed by the applicant have already been granted to him subsequently. Therefore, by resorting to rule-15 of C.A.T. Procedure Rule, we are deciding this matter on merits.

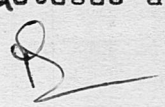
4. The respondents counsel invited our attention to the application filed by the respondents bearing no.970/2001 wherein it has been specifically stated in para-2 that for the reasons explained in the Supplementary Counter Affidavit, it is abundantly clear that the benefits as admissible to the applicant for which the present petition has been filed by the applicant had already been accorded to the applicant



by the respondents administration which was duly acknowledged by the applicant himself under his own clear signature on 27.05.1998, therefore, the present application has become infructuous and is liable to be dismissed with costs.

5. In the affidavit supporting his Misc. Application, the respondents have further stated that after conclusion of the enquiry proceedings, since the applicant was not found guilty in the enquiry and as such his case was referred to the competent authority i.e. Headquarters Central Command, Lucknow for appropriate action in the circumstances of the case and after receiving the necessary sanction orders from the competent authority, the necessary benefit as admissible to the applicant have been accorded by the department including the arrears and other consequential benefits to the applicant.

6. In support of their averments they have also annexed Annexure SCA-I, whereby an amount of Rs.48,447/- has been paid to the applicant vide cheque No.569650 dated 25.05.98. Since we have seen these averments of the respondents along-with enquiry and find that this Misc. Application was filed by the respondents as far as in 20.02.2001 after serving a copy of the other side, the applicant has not filed any objection to the Misc. Application. We are satisfied that this M.A. needs to be allowed. Since the relief claimed by the applicant have already been given to him by the department themselves, we are satisfied that this O.A. has become infructuous and probably that is



reason while neither the applicant nor his advocate is present today in the Court. Accordingly Misc. Application No.970/2001 is allowed and O.A. No.291/1998 is dismissed having become infructuous.

7. There shall be no order as to costs.



MEMBER (J)



MEMBER (A)

shukla/-