

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 28th day of January, 2002.

Q U O R U M :- Hon'ble Mr. S. Dayal, Member- A.  
Hon'ble Mr. Rafiq Uddin, Member- J.

Original Application No. 1184 of 2001.

Ashok Kumar Saxena S/o Late R.S. Saxena  
R/o D- 19, ESIC Colony, Sarvodaya Nagar,  
Kanpur Nagar.

.....Applicant

Counsel for the applicant :- Sri O.P. Mishra

V E R S U S

1. Union of India through the Secretary, M/o Labour, Govt. of India, New Delhi.
2. Director General, Employees State Insurance Corporation, New Delhi.
3. Joint Director, Employees State Insurance Corporation, New Delhi.
4. Regional Director/Disciplinary Authority, Employees State Insurance Corporation, Sarvodaya Nagar, Kanpur Nagar.

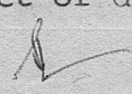
.....Respondents

Counsel for the respondents :- Sri P.P. Pandey

O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, Member- A.)

This O.A has been filed under section 19 of the Administrative Tribunals Act, 1985, seeking direction for quashing the order of Dy. Director, regional office of the Employees State Insurance Corporation, Kanpur dt. 06.09.2001 in respect of disciplinary proceedings



going on against the applicant and submission of enquiry report dt. 17.09.2001 passed by Enquiry Officer,

2. We find that the order of Dy. Director, E.S.I.C dt. 06.09.2001 states that the Regional Director/ disciplinary authority had considered the representation of the applicant for ending departmental proceedings against the applicant on the ground that the court case was pending and rejected the said representation. The applicant was also informed by the said letter that the departmental proceeding has been completed on 21.08.2001.

3. Learned counsel for the respondents filed an affidavit alongwith Misc. application No. 398/2002 in which it has been stated that during the pendency of the O.A, the disciplinary authority had passed an order imposing penalty of compulsory retirement with immediate effect against the applicant. Therefore, the present O.A has become infructuous.

4. We find from the case papers that the learned counsel for the respondents received notice of the O.A and has filed the present M.A alongwith affidavit. A copy of the order dated 16.01.2002, imposing the punishment of compulsory retirement of the applicant, has also been filed after service on learned counsel for the applicant on 22.01.2002. The case is now coming up for admission. The case cannot be admitted because we have to take cognizance of the order of compulsory retirement. The applicant will now have to challenge the order of punishment dt. 16.01.2002 and the present O.A has become infructuous. Therefore, the case is dismissed as infructuous.

5. There shall be no order as to costs.

/Anand/

Member- J.

Member- A.