

**Central Administrative Tribunal
Lucknow Bench, Lucknow**

OA No.397/2017

This the 21st day of July, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. Mukhopadhaya, Member (A)

P.S.Jaya Sankar, aged about 53 yrs,
S/o Shri P.Sankaran Unny, PS to Director,
D-4/2, Indira Gandhi Rashtriya Uran Akademi
Colony, Fursatganj, Amethi-229 302 (U.P). .. Applicant

(By Advocate: Mr.P.S.Jaya Sankar, Applicant-in-Person)

Versus

1. Union of India, through Secretary,
Ministry of Civil Aviation, Chairman, IGRUA
Governing Council, Rajiv Gandhi Bhawan,
Safdarjung Airport, New Delhi-110 003.

2. Shri V.K.Verma, CAE named private Company's
Director, Indira Gandhi Rashtriya Uran Akademi
Bungalow No.1, IGRUA Colony, Amethi-229 302.

.. Respondents

(By Advocate: Mr.Mahendra Kumar Shukla
Mr.Yogesh Chandra Bhatt)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant was working as Personal Secretary to the Director of the 1st respondent Institution. Disciplinary proceedings were initiated against him by issuing a charge memorandum dated 29.04.2017. Thereafter, he was issued a letter dated 07.12.2017 enabling him to submit a representation, if any, to the findings in the disciplinary inquiry.

2. This OA is filed challenging the letter dated 07.12.2017.
3. The principal contentions urged by the applicant are that,
 - (a) the Disciplinary Authority (DA) by name Mr. V.K. Khurana is not competent to function as such; and
 - (b) the copy of the report of the Inquiry Officer (IO) was not enclosed.
3. The OA has undergone several stages. On their part, the respondents filed MA No.1820/2018 with a prayer to dismiss the OA. The reason mentioned by them is that on realising the copy of the report of the IO was not furnished to the applicant, the respondents have decided to withdraw the impugned letter dated 07.12.2017.



4. We heard the applicant, who argued his case in person, and Shri Mahendra Kumar Shukla, learned counsel for the Respondent No.1 and Shri Yogesh Chandra Bhatt, learned counsel for the Respondent No.2.

5. As observed earlier, the OA is filed challenging a letter dated 07.12.2017. Though several grounds are urged by the applicant in his challenge to the said letter, an important development has taken place. The respondents have decided to withdraw the said letter, and issue a fresh notice enclosing the copy of the report of the IO, and other documents. An order to this effect was passed on 03.01.2018 and the same is enclosed as Annexure C-1 to the MA. It is also evident that the respondents have issued a fresh show cause notice to the applicant duly enclosing the copy of the report of the IO. The DA has passed an order dated 31.03.2018 removing the applicant from service. The applicant filed OA No.255/2018 challenging the order of removal and other connected proceedings.

6. In view of these developments, this OA, i.e., OA No.397/2017 has become infructuous, and the same is accordingly dismissed. We, however, make it clear that the applicant can advance all the contentions in the pending OA, i.e., OA No.255/2018. There shall be no order as to costs.

(A. Mukhopadhaya)
Member (A)


(Justice L. Narasimha Reddy)
Chairman