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Central Administrative Tribunal, Allahabad.

Registration O.A.No.200 of 1988

Khairullah Ansari ... Applicant

Vs.

The Superintendent (West)  
Varanasi-2 and another .... Respondents.

Hon.D.S.Misra, AM  
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

This petition under Section 19 of the Administrative Tribunals Act XIII of 1985 was filed by the applicant on 17.2.1988 for setting aside the order dated 16.2.1987 passed by the Superintendent of Post Offices, Varanasi- respondent no.1 directing the applicant to pay Rs.3000 by way of compensation in 20 instalments with the allegation that the appeal preferred by him to the respondent no.2- the Director of Postal Services has not been decided so far. The prayer for interim relief was also made to stay the recovery of the compensation. A notice was issued to the respondents to show cause as to why the petition be not admitted and the interim relief prayed for be not granted.

2. In reply to the show cause notice, the respondents have filed an affidavit of the Assistant Superintendent of Post Offices, Varanasi along with a copy of order dated 8.3.1988 passed by respondent no.2 on the appeal preferred by the applicant stating that the appeal of the applicant was accepted by the respondent no.2 on 8.3.1988 and no cause of action survives to the applicant in this case.

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3. We have heard learned counsel for the parties and in view of appellate order dated 8.3.1988, the penalty imposed on the applicant has been set aside. The application has thus become infructuous and it need not be admitted now.

4. The petition is accordingly dismissed as having become infructuous without any order as to costs.

Khanna

Member (A)

Z. S. M. A.

Member (J)

Dated 11.3.1988  
kkb.