

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 1304 of 1992

M.H. Idrisi Applicant.

Versus

Union of India
and others Respondents.

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Hon. Mr. S. Das Gupta, Member(A)
Hon. Mr. T.L. Verma, Member(J)
(By Hon. Mr. S. Das Gupta, Member(A))

Heard Sri P.K. Khare learned counsel for
the applicant and Sri C.S. Singh, learned counsel
for the Respondents.

The counsel for the applicant has moved
M.P. No. 833 of 1994 for substitution of the
applicant by his widow on the ground that the
applicant has since died on 16.1.1994.

2. The applicant's case was that he was
illegally suspended by the order dated 3.11.1986
and the order of suspension was malafide. He also
submitted that no opportunity was given to him to
defend the case and the findings of the enquiry
officer was malafide and perverse. On the aforesaid
grounds the applicant prayed for the relief that
the Tribunal set aside the suspension order and
direct the respondents to decide the applicant's
representation dated 10.5.1992 against the findings
of the enquiry officer and also quashed the findings.
No relief has been claimed which can be translated
in terms of monetary benefits.

Wf

3. The suspension of the applicant and subsequent enquiry are purely personal to the applicant and therefore, the cause of action does not survive on the death of the applicant. Since no monetary benefit has been claimed in the relief, the widow cannot be substituted as the applicant. In view of this, the M.P. No. 833 of 1994 is dismissed and since the cause of action does not survive after the death of the applicant, the O.A. No. 1304 of 1992 has also become infructuous, and the same is dismissed accordingly.

Johanna
Member(J)

W. R.
Member(A)¹

Dated: 5.4.1994
(n.u.)