

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day 6-2- of 1995.

ORIGINAL APPLICATION NO. 1386 OF 1994.

Inderjit Oberoi, S/o L. Ganda Mal Oberoi,
aged about 65 years, Retired as Telephone Oberator Banda,
R/o 6 E, Hazipur, Opposite Model Town,
Bareilly.

..... Applicant.

By Applicant in person.

versus

1. Union of India through Chairman,
Telecom Commission, Dak Tar Bhawan,
New Delhi.

2. The Chief General Manager,
Telecom, U.P. Circle,
Lucknow.

3. Director Vigilance Office of Chief General Manager,
Telecom U.P. Circle,
Lucknow.

4. Telecom Divisional Engineer,
Faizabad.

5. Shri P.P. Misra,
Sub Divisional Engineer,
F.R.S. Kaiser Bagh, Telephone Exchange Compound,
Lucknow.

..... Respondents.

By Advocate Sri N.B. Singh.

CORAM: Hon'ble Mr. K. Muthukumar, (MEMBER-A).

Hon'ble Mr. J.S. Dhaliwal, (MEMBER-B).

O R D E R (RESERVED)

By Hon'ble Mr. K. Muthukumar, MEMBER (A)

1. The applicant retired as Telephone Operator in the Department of Tele Communication. By this application, he has prayed for direction by this Tribunal to quash the impugned letter dated 27.12.1993 of the respondent no. 4 and also to decide the inquiries contemplated in the impugned order dated 23.2.1970 in pursuance of the Presidential order dated 3.2.1970 which itself had been held as void by the C.A.T Allahabad judgment dated 30.5.1988 and 4.10.1990 in T.A. No. 610 of 1986.

2. The facts of the case are briefly as follows:-

a) Certain disciplinary proceedings were initiated against the applicant and he was awarded the punishment of withholding the increment for three years by the order of the Disciplinary Authority dated 14.4.1976. This punishment was challenged by the applicant among certain other things in T.A. no. 610/86 which was decided by this Tribunal on 30.5.1988. The punishment order imposed on him by the order dated 14.4.1976 was quashed. By a separate order dated 7th August 1989, the Tribunal allowed the Review Application no. 708 of 1987 in part and after directing that certain corrections be made on page 13 of the original judgment, it was directed that the question of validity of the chargesheet dated 18th March 1976 will be re-heard and accordingly by the judgment dated 4th October, 1990, the Tribunal quashed the chargesheet dated 18th March 1976 as well as the disciplinary proceedings on that basis.

2. The applicant alleges that the respondent no. 3 in this O.A has directed the respondents nos. 4 and 5 illegally to finalise the inquiries in connection with the original chargesheet dated 5.5.1971 and 20.4.1971 against the applicant, in pursuance of the Presidential Order dated 3.2.1970, which itself was declared void by the order of this Tribunal dated 30.5.1988, and the respondent no. 5 obeying the direction of the respondent no. 3, had issued ^{the} impugned letter dated 27.12.1993 Annexure-A-I to the application for conducting the inquiries relating to the charges framed against him by the memo dated 20th April 1971 of the respondent no. 4.

3. The respondents have stated in their counter reply that they ~~respondents~~ have already issued an order dated 7.4.1993 Annexure-I to the counter reply, dropping the charges and proceedings against the applicant. By further Misc. Application dated 12.12.1994, the respondents have also annexed as Annexure-II containing the order dated 27th July 1994 of the Telecom Divisional Engineer Faizabad indicating the same position as mentioned in Annexure-I to the counter reply. The said order dated 27th July 1994 reads as follows:-

" In view of the CAT Allahabad judgment dated 30.5.1988, 7.8.1987 and 4.10.1990 in T.A. no. 610 of 1986 Sri I.J. Oberai Vs. Union of India and 4 others. All the chargesheet pending against Sri I.J. Oberai Ex. T.O. are hereby quashed.

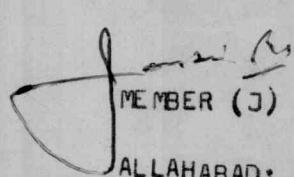
As such, it is certified that no disc/vig. case is pending or contemplated against Sri I.J. Oberai Ex.T.O.

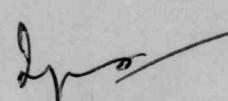
4. We have heard the applicant in person and also the counsel for the respondents and perused the record.

5. In view of the above averments by the respondents, it is clear that the respondents have dropped all the charges pending against the applicant as mentioned in para 3 of the counter reply and also supported by Annexure-I to the counter reply and Annexure-II to the misc. application referred to above. We find that after issue of the order dated 7.4.1993 of the Telecom Divisional Engineer, Sultanpur Annexure-I to the counter reply, the impugned letter dated 27.12.1993 Annexure-I to the application was served on the applicant by the Inquiry Officer of the S.D.O. Telephone Lucknow citing the order dt. 8.9.1986 of the Divisional Engineer, Faizabad, directing him to enquire into the charges framed against the applicant in the memo dated 20th April 1971. However, as the respondents have now filed a letter dated 27th July 1994 as Annexure-II to the misc. application which confirms that the respondents have dropped all the charges pending against the applicant , the application has in a sense become infructuous.

However, ^{to} put matters beyond ~~a~~ doubt, we ^{ave of opinion} declare that the impugned letter dated 27.12.1993 has been rendered non-est in view of the order of the respondent no. 4 dated 27.7.1994.

The application is disposed of accordingly. No order as to costs.


MEMBER (J)


MEMBER (A)

ALLAHABAD: DATED: 6-2-95

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