

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 216/1995

WENESDAY, THIS THE 11th DAY OF SEPTEMBER, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. S. DAYAL, A.M.

Jitendra Singh Verma
S/o Late Krishan Singh Verma
R/o 30/79, Chitti Khana,
Agra. Applicant

(By Advocate Shri V.K. Burman)
versus

1. Union of India through
Ministry of Defence, New Delhi.
2. Chief Engineer, Hyderabad Zone,
Opp. Parade Ground, Sadar Patel Road,
Secunderabad.
3. Engineer in-chief, Army Headquarters,
New Delhi.
4. Commander, Wprks Engineer, Agra.
5. Chief Engineer, Central Command,
Lucknow
6. Chief Engineer
Head Quarters Southern Command,
Pune-411001. Respondents

(BY Advocate Shri Satish Chaturvedi)

O R D E R

BY HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

By this O.A. Under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the order dated 03.01.95 filed as Annexure-1 by which the disciplinary authority has decided that a further enquiry should be held under the provisions of CCS (CCA) Rules, 1965 against the applicant on the allegations which led to his removal from service under the earlier orders passed by the Disciplinary Authority. It may be pointed out here that earlier order was passed on 15.12.1980 and the applicant was removed from service on account of continued absence and disobedience of the orders of higher authorities. The order of removal however, was set aside by this Tribunal

by order dated 11.01.93. The copy of which has been filed as Annexure-2. The operative part of the order reads as under:-

"Accordingly, this application deserves to be allowed and the order dated 15.12.1980 is quashed. However, the respondents may hold a fresh enquiry and will conclude the same within a period of three months. The applicant will fully cooperate with the enquiry as to how this period would be treated and as to whether the applicant has to be paid anything. During the period will abide by the result of the enquiry. Both these applications disposed of finally with the above observations. There will be no order as to costs".

Thus, the decision to initiate fresh enquiry is based on the order passed by this Tribunal.

2. The respondents have filed a supplementary affidavit dated 19.01.2000 annexing there with the order dated 17.12.99 by which punishment of dismissal has been awarded to the applicant on conclusion of the disciplinary proceedings initiated on the basis of the impugned order. In the circumstances as enquiry have been already completed, on the basis of the impugned order, this O.A. has been rendered infructuous. The applicant may, if so advised, file an appeal against the order of punishment if already not filed.
The O.A. is dismissed.

3. There will be no order as to costs.



Member-A



Vice-Chairman

/Neelam/