

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 14th day of February, 1997

Original Application No.06 of 1995

District : JhansiCORAM :-

Hon'ble Mr. S. Das Gupta, A.M.

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M.L. Johar Son of Chaman Lal Johar
 R/o Railway Quarter No. R-B-4/, 23-A, Mathura,
 working as Signal Inspector Grade Rs. 2000/-3000/-
 under the Divisional Railway Manager,
 Central Railway, Jhansi.

(By Sri H.P. Pandey, & Sri A.D. Prakash, Advocates)

. Applicants

Versus

1. Union of India through the General Manager,
Central Railway, G.M.'s Office,
Central Railway, Bombay V.T.
2. Divisional Railway Manager,
Central Railway, D.R.M.'s Office,
Jhansi.
3. Senior Divisional Signal and Telecom Engineer,
Central Railway, D.R.M.'s Office, Jhansi.

(By Sri A.V. Srivastava, Advocate)

. Respondents

O D E R (Oral)By Hon'ble Mr. S. Das Gupta, A.M.

In this QA filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has sought plural reliefs. The first relief was for quashing of the order dated 16-3-94 by which the recovery of damage rent from the applicant's salary was ordered. The other relief pertains to an order by which the penalty of withholding of increment was imposed on the applicant. At the admission stage itself the learned counsel for the applicant agreed to delete the

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second relief so that the application becomes maintainable on the basis of the first relief. Accordingly, the second relief was deleted.

2. Through a short counter affidavit filed by the respondents, it has been brought out that even before the case was filed by the applicant, the D.R.M. had considered the representation of the applicant and after taking into account the facts and circumstances of the case, the order for recovery of damage rent was withdrawn and the occupation of the applicant for the quarter in question was regularised. It has also been stated that consequent to this order, the damage rent recovered from the salary of the applicant prior to passing of the aforesaid order of the D.R.M. has also been refunded to him.

3. The applicant has filed a rejoinder affidavit in which it has not been denied that the impugned order for recovery of damage rent has been withdrawn and the damage rent already recovered has been refunded to him. He has only pressed the second relief which has already been deleted stating that the said relief was wrongly deleted. This is obviously not tenable.

4. When the case was called out, none was present for the applicant. We, therefore, heard learned counsel for the applicant and perused the pleadings on record. It is clear from the averments of the respondents, which has not been controverted by the applicant in the rejoinder affidavit that the impugned order of recovery of the damage rents has already been withdrawn and the damage rent already recovered has been refunded to the applicant. Therefore, this OA which has been admitted only on the basis of one relief i.e. withdrawal of the order of recovery of damage rent has become infructuous.

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5. In view of the foregoing, this application is dismissed as having become infructuous. The parties shall, however, bear their own costs.

J. Hume
Member (J)

W. S.
Member (A)

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