

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3rd DAY OF JANUARY, 2000

Original Application No. 327 of 1999

CORAM:

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE MR.S.BISWAS, MEMBER(A)

Manager Sharma aged about 49 years  
Son of Sri Thakur Sharma  
R/o Palia, Post Sidhuwa Balga Via  
Padrauna, Kushinagar

.... Applicant

(By Adv: Shri K.C.Sinha)

Versus

1. Union of India through Director/  
Post Master General, Gorakhpur.
2. Director, Postal Services,  
Gorakhpur.
3. Senior Superintendent,  
Post Offices Deoria

.... Respondents

(By Adv: Km.Sadhna Srivastava)

O R D E R(Oral)

(By HOn.Mr.Justice Ashok Agarwal, Chairman)

By the present M.A5143/99 the applicant seeks to amend the original OA. The OA has originally sought to impugn an order imposing minor penalty on 6.5.98/30.6.98 directing recovery of a sum of Rs.17.961/-.. The applicant apart from filing the OA had also preferred a departmental appeal. The appeal has now been dismissed by an order passed on 23.8.98. By the present M.A applicant seeks leave to amend the OA so as to impugn also the order passed in appeal.

...p2

:: 2 ::

2. In our view after aforsaid order passed on 23.8.98 disposing of the appeal the present OA being OA no. 327/99 has become infructuous. The cause of action which now survives is to challenge the order passed in appeal. In the circumstances, OA No. 327/99 is disposed of. It goes without saying that the applicant if so advised <sup>decides</sup> will be at liberty to impugn the aforesaid order passed by the Appellate Authority by instituting a fresh OA. No order as to costs.

Interim order of stay of recovery which has already been issued will continue for a period of two weeks from today. It is clarified that the present order is no indication in respect to the merits of the matter. The bench taking up of the fresh OA will be at liberty to consider an application for interim relief that may be made on its own merits and in accordance with law.

*S. B. Rao*  
MEMBER (A)

*Rej*  
CHAIRMAN

Dated: 03.01.2000

Uv/