

Open Court

**Central Administrative Tribunal
Allahabad Bench, Allahabad**

Original Application No. 699 of 2006

Allahabad, this the 07th day of January, 2010

Hon'ble Mr. Ashok S. Karamadi, Member (J)
Hon'ble Mr. D.C. Lakha, Member (A)

Veer Bahadur Yadav, Son of Sri Ram Cheej Yadav, Resident of Village-Madishlapur (Purab Tola), Post Office Andar, District Siwan, at present working as Helper Grade-I, Ticket No. 583 (N.E.R.) Gorakhpur.

By Advocates: Sri Virendra Singh
Sri P.K. Dwivedi

Applicant

Vs.

1. Union of India through the Secretary, Ministry of Railway, New Delhi.
2. Divisional Railway Manager, North East Railway, Lucknow.
3. General Manager, North East Railway, Gorakhpur.
4. Coaching Depot Officer (C.D.O.) North East Railway, Gorakhpur.
5. Senior Section Engineer (Samadi), North East Railway, Gorakhpur.

By Advocate: Sri Anil Kumar

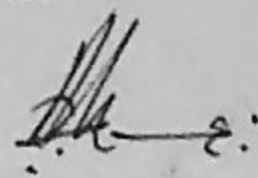
Respondents

ORDER

By Hon'ble Mr. Ashok S. Karamadi, J.M.

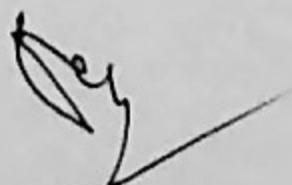
Heard Sri Virendra Singh, learned counsel for the applicant and Sri Anil Kumar, learned counsel for the respondents.

2. Learned counsel for the applicant states that the respondents have passed the order of suspension dated 12.04.2006, produced as annexure A-1 to the O.A.. On notice, the respondents have filed the




Counter Affidavit stating therein (in para-8 of the C.A.) that there is no suspension order passed by the respondents. The applicant has filed the Rejoinder Affidavit against the aforesaid C.A. In para-9 of the Rejoinder Affidavit, it is stated by the applicant that no order of suspension has been passed against the applicant, but actually the respondent authorities with malafide intention served the order dated 12.04.2006. Learned counsel for the respondents further stated that as there is no order of suspension passed by the respondents, grievance of the applicant does not survive for further consideration. In reply, learned counsel for the applicant submitted that even though respondents have stated that there is no suspension order but certain payments due to the applicant are pending.

3. In view of the above facts, it is clear that grievance of the applicant does not survive for further consideration regarding contention of the applicant that the respondents have passed the order of suspension against the applicant, as stated in the O.A. and annexure A-1 to the O.A. Having regard to the same, we are of the view that this O.A. does not survive for consideration with regard to suspension of the applicant. Accordingly, O.A. stands dismissed. However, liberty is given to the applicant that if he has any grievance against the respondents, he will make representation to the respondents' authorities, which will be decided by them.



Member (A)



Member (J)