

## ORDER SHEET

O.A./MA/RAT/CP NO. 1054 OF 2007

Applicant/s Niranjan Singh Respds. U.O.I. & ors.Advocate for Applicant/s Shri S. Dwivedi Advocate for Respondent/s Shri P. Mathur

Notes of the Registry	16.12.2008 Orders of the Tribunal	Sheet No. 6
	<p>Heard Learned counsel for the applicant and Sri P. Mathur appearing for respondents. Sri P. Mathur pointed out that against the disciplinary order, the applicant has filed departmental appeal, which is pending. Learned counsel for the applicant states that he has mentioned this fact in para 4.22 of the O.A. and has averred in para 4.25 that the said appeal has not been decided by the appellate authority. Learned counsel for the applicant, however, stated that he has received the instructions to the effect that an appeal has been decided (as stated by learned counsel for respondents) and order of punishment has been partially modified. In view of this statement, he submitted that applicant may be allowed to amend O.A. in order to challenge the appellate order. The submissions made on behalf of the applicant cannot be accepted as well as fresh cause of action has arisen. The primarily grievance of the applicant no more exists since the appeal of the applicant, has already been decided. We, however, perused the relief clause. Perusal of relief clause, it is clear that the applicant has not sought direction for deciding the appeal of the applicant. We are constrained to observe that this O.A. was not maintainable and ought to have been rejected at the initial stage. Be that as it may, this O.A. has been rendered infructuous. It is made clear that we have not entered into the merits of this O.A. It is open to the applicant if he still feels aggrieved by the appellate order, (which is not part of record) he shall be free to challenge the same in accordance with law. O.A. stands dismissed as infructuous.</p> <p><i>M. Gautam</i> (Mrs. Manjulika Gautam) (A.K. Yog) Member-A Member-J</p> <p>Girish/-</p>	

Contd. On Sheet No. \_\_\_\_\_