

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.66 of 1990.

Date of decision: December 11, 1990.

Shri Ashutosh Ray ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ::: M/s. J. Das,  
B. S. Tripathy,  
K. P. Misra, B. K. Sahoo,  
S. Mallik, Advocates.

For the respondents .. Mr. Ganeswar Rath,  
Standing Counsel (Central)

C O R A M:

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN  
A N D

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *NO*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

K. P. ACHARYA, VICE-CHAIRMAN, In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the order of suspension contained in Annexure.1.

2. Shortly stated, the case of the applicant is that he is an Assistant Audit Officer in the Office of the Accountant General, Audit, and vide order dated 19.7.1983 and 8.8.1983 contained in Annexure-A/1 and Annexure-A/2 respectively the applicant was placed under suspension on the basis of a contemplated proceeding (Annexure-1) in  
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respect of <sup>a</sup> criminal offence which was under investigation (Annexure-A/2). While the matter was thus pending, the applicant filed this application for redressal of grievance to the above extent.

3. Ofcourse in their counter the respondents maintained that it is a fit case for dismissal on merits because the disciplinary authority has exercised his discretion finding that there was a prima facie case against the applicant for placing him under suspension and therefore, the case should be in limine dismissed.

4. We have heard Mr.K.P.Misra, learned counsel for the applicant and Mr.Ganeswar Rath, learned Standing Counsel(Central) for the respondents. A xerox copy of the order passed by the Accountant General dated 27.9.1990 was filed before us revoking the order of suspension. Counsel for both sides agree that in the meanwhile the order of suspension has been revoked and thus this case has become infructuous which is disposed of accordingly leaving the parties to bear their own costs.

*[Signature]*  
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Vice-Chairman



*[Signature]*  
11/12/90  
.....  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
December 11, 1990/Saranghi.