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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.296 of 1992.

Date of decision : July 22, 1992.

Smt. Sarita J.Das ... Applicant..

Versus

State of Orissa and others ... Respondents.

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

For the respondents ... Mr. K.C.Mohanty,  
1 to 4. Government Advocate (State)

For the respondent No.5 .. Mr. S.Biswal,  
Addl. Standing Counsel  
(Central)

...

C O R A M:

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

...

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ?
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes.

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to Respondents 1 and 2 that she should not be made to hand over charge of the Office of the Secretary to Government of Orissa, Departments of Textiles & Handloom and Handicrafts, Village & Cottage Industries to Respondents 3 and 4 before 25.7.1992.

2. The applicant, Mrs. Sarita Jayant Das is a member of the Indian Administrative Service, functioning as Secretary to Government of Orissa in the Departments of Textiles & Handloom and Handicrafts, Village & Cottage Industries. She has been sent on deputation to the Government of India and since Respondents 3 and 4 are said to have assumed charge of the said offices, this application was filed with the aforesaid prayer.

3. On the application filed by the applicant an interim restraint order had been issued <sup>which</sup> was fixed for hearing to-day, as to whether the order should be made absolute or stand vacated.

4. In their counter the respondents maintained that no illegality has been committed in asking the Respondents 3 & 4 to take charge as Mrs. Sarita Jayant Das, the applicant did not hand over charge. Hence the application should be dismissed.

5. I have heard Mr. Dora, learned counsel for the applicant, Mr. K. C. Mohanty, learned Government Advocate (State) for Respondents 1 to 4 and Mr. S. Biswal, learned

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Additional Standing Counsel (Central) for the Respondent No.5. Mr.Dora submitted that the application is no longer pressed and it may be disposed of having been infructuous because the applicant has decided to relinquish herself from the duties and responsibilities of the Office of Secretary to the Government of Orissa, Department of Textiles & Handloom and Handicrafts, Village & Cottage Industries to-day in the afternoon. In view of the aforesaid submission of Mr.Dora I am of opinion that this case has become infructuous. In such circumstances, the question of mala fide urged by the applicant in her pleadings and countered by the respondents have become mere academic and warrants no opinion to be expressed by the Bench.

6. Thus, the application is accordingly disposed as infructuous. No costs.

*K. Sarangi*  
22.7.92  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
July, 22, 1992/Sarangi