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OA 211/96

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Cr. No. 72/03

copies of order
handed over to
counsel for son
Sd/-

13/2/03

[Signature]

Order dt. 07.02.2003

None appears for the Applicant; nor any prayer has been made on his behalf seeking adjournment of this old case of the year 1996. However, Mr. Ashok Mohanty, learned Senior Counsel for the Railways is present. With his aid and assistance, we perused the records of this Original Application.

2. In this case under section-19 of the Administrative Tribunals' Act, 1985, the Applicant has prayed to quash the impugned order under Annexure-3 (by branding the same to be without jurisdiction bereft of the principles of natural justice).

3. In this Original Application, the Applicant also prayed for interim relief, which was granted by this Tribunal on dt. 15.03.1996 as follows:

"While this application is kept pending in this Court, Respondents 2, 3 and 4 are directed to dispose of the representation dated 04.10.1995 addressed to the General Manager, S.E. Railways, Respondent No. 2 and the representation referred to in the letter of the D.R.M. dated 14.09.1995 addressed to the Chief Personnel Officer at Annexure-8/A within a period of four weeks from the receipt of this order.

Annexure-03 which explicitly deprives the Applicant of his proper ~~rank~~ scale and put him to a lower scale in contrary to the records. It is stayed for a period of 14 days. The Respondents are directed to show cause on 29.03.1996 as to why the stay shall not be made absolute."

Subsequently, the above said stay order was made absolute vide order dated 08.04.1996 of this Tribunal.

4. Mr. Mohanty, learned Senior Counsel for the Railways submitted that because of the penalty imposed on the Applicant (in a disciplinary proceeding), he was reverted ~~back~~ and said reversion order was subject matter of challenge in this Tribunal in O.A.No. 815/94;

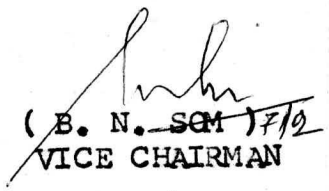
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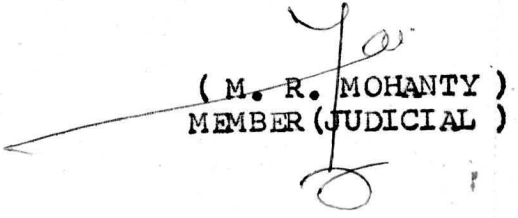
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which was dismissed for default and that the Applicant was not given promotion at any subsequent point of time and that, in the meantime, the Applicant faced retirement from service on attaining the age of superannuation. By stating the aforesaid fact, Mr. Ashok Mohanty, learned Senior Counsel for the Railways submitted that this Original Application has virtually become infructuous.

5. Having heard, Mr. Ashok Mohanty, learned Senior Counsel for the Railways and having perused the pleadings placed on record, we are satisfied that this case has really become infructuous. Therefore, the same is dismissed. No costs.


(B. N. SGM)
VICE CHAIRMAN


(M. R. MOHANTY)
MEMBER (JUDICIAL)