

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For hearing

D.S.
13/11/03

Bench

17-11-03
 of Lt. Sr. Standing Counsel h/19 com
 C/o Commissioner Central Excise
 and Customs BBSP-II letter no.
 C.NO 1C10K4W6/LAW/98 dtd
 13-11-03 today in the Court
 taken on recd. B.O.
 Pay
 17-11-03.

Order dated 12-11-03

Call this matter on 14-11-03.

Signature
 Vice-Chairman (2)
 Member (3)

Order dated 14-11-03

Add. to 17-11-03

Signature
 Vice-Chairman (4)
 Member (3)

Order dated 17.11.2003

Heard both sides. The facts stated in brief are as follows :

The applicant in this O.A. was suspended vide order dated 31.3.1998. Therefore, at that point of time, he immediately approached the Tribunal seeking a relief that the suspension be quashed.

Though the Respondents had filed a reply in January, 1999 stating that a criminal case was registered against the applicant and he was convicted by the Special Court, Baripada; based on this material, the Department had initiated action against the applicant which resulted ultimately in issue of dismissal order on 1.4.1999. It is also stated that the dismissal order is effective from 10.4.1999.

The learned counsel for the applicant sought permission to amend the O.A., in view

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latest development. We do not think that it is necessary or expedient to grant such a permission in the instant case. As per the submission made by the learned counsel for the Respondents, the applicant stands dismissed from service w.e.f. 10.4.1999. It is quite likely that he would have appealed against that order and the appellate authority would have, ^{also} passed some orders. Therefore, in the fitness of things and in ~~honesty~~ ^{fair}, it is for the applicant to take appropriate course of action challenging ^{such} this order, as per law. But we do not see any reason to keep this O.A., challenging the suspension in our file, which has already become infructuous and accordingly, the same is dismissed as infructuous. No costs.

Syamal Bhattacharya
17.11.03
MEMBER (ADMINISTRATIVE)

Aharan B.
17.11.03
MEMBER (JUDICIAL)

Free copies of final order dt. 17.11.03 issued to counsel for both sides.

S-0 (1)

DS
23/11/03