

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For hearing

D3
13/11/03

Bench

17-11-03

of Lt. Sr. Smt. Anand K. Singh
C/O Commissioner Central Excise

and constant BSR-11 letter No.

C.No 1C10XW/LAW/98 dt

13-11-03 today in the court.

taken on reply.

B.O.

Page

17-11-03.

Order dated 12-11-03

Call this matter on 14-11-03.

Vice-Chairman-12/11/03
Member (B)

Order dated 14-11-03

Add. to 17-11-03.

Vice-Chairman-14/11/03
Member (B)

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 ^{order of} 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 ^{fair} ~~awareness~~, 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.

Sy. Anand Kumar
17.11.03
MEMBER (ADMINISTRATIVE)

Bharati B.
MEMBER (JUDICIAL)

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

DS
23/11/03

DS
35/11/03
S.O (J)