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O.A. No. 539 of 2007

Order dated: 25.11.2009

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

The applicant has approached this Tribunal by filing the present O.A. for the following relief:

“ to quash the entire disciplinary proceeding and the orders passed in Annexure-3 as it contravenes to sub-rule2(B) of Rule-9 of Central Civil Service Pension Rules.

2. The applicant retired from service on 31.1.2005. He had approached this Tribunal earlier in O.A. No. 883/05 for release of his retiral benefits during pendency of a CBI case against him. The said O.A. has been already dismissed by this Tribunal, against which a writ petition is pending before the Hon'ble High Court of Orissa.

3. In the present application, as stated above, the applicant wants to quash the entire disciplinary proceeding initiated through Annexure-A/3 memorandum. This Tribunal admitted the O.A. and ordered notice. As per the objection now filed, it is stated that the proceeding initiated against the applicant has been already concluded and penalty of 30% cut from the pension of the applicant for a period of 10 years has been imposed. In the light of above, the question to be decided in this O.A. is whether the O.A. has become infructuous or not.

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4. Considering the prayer contained in the O.A. and the subsequent event, it is to be noted that the proceedings initiated against the applicant as per Annexure-A/3 have been finalized and the order of punishment has been also passed. If so, the present O.A. has to be dismissed as infructuous or rather groundless.

5. In the above circumstances, on hearing Mr. Hrishikesh Tripathy, Ld. Counsel for the Respondents and on perusing the records now produced before this Tribunal, we are dismissing this O.A. as it has become infructuous. ~~No~~

~~costs.~~ This dismissal does not preclude the applicant to challenge the subsequent order if any filed, if so advised. ✓

MEMBER (A)

MEMBER (J)

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