

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1017 of 96

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman

Hon'ble Mr. B.P. Singh, Administrative Member

DINESH KR. RAJAK

VS

UNION OF INDIA & ORS.

For the applicant : Mr. A. Chakraborty, counsel

For the respondents: Mr. P. Chatterjee, counsel

Heard on : 14.12.98

Order on : 14.12.98

O R D E R

S.N. Mallick, VC

We have heard the 1d. counsel for both the parties. In this application the petitioner has prayed for a direction upon the respondents to allow him to perform his duties as Bungalew Peon against the existing vacancy. In the reply filed by the respondents it has been stated that the petitioner has since been removed from his post w.e.f. 26.3.96. Mr. Chakraborty, 1d. counsel for the petitioner concedes the position that the petitioner has since been removed from service but does not admit the date and his further submission is that the ~~XXXXXX~~ termination order was not served upon his client. Mr. Chatterjee, 1d. counsel for the respondents has drawn our attention to Annexure R/5 which is an order passed by the competent authority discharging the petitioner from service w.e.f. 26.3.96. Under such circumstances we are of the view that the present application with the reliefs prayed for therein does not stand on merit as the factual matrix has since been changed. Mr. Chakraborty, however, prays for leave to withdraw this application with liberty to file a fresh application challenging the order of removal. The OA is therefore disposed of being withdrawn.