

3.8.99

Mr.J.K.Kaushik, Counsel for the applicant.
Mr.R.K.Soni, Counsel for the respondents No. 1 & 2.
None is present for respondent No. 3.

The learned counsel for the applicant submits that subsequent to the filing of this O.A., the applicant has been compulsorily retired from service as a measure of penalty. He does not know whether that particular order of penalty has been challenged by the applicant or not.

As per the reply of the respondents No. 1 and 2, it appears that at the time of consideration for promotion, which is subject to a matter of controversy in the instant case, the applicant was facing departmental inquiry and was not found fit to be promoted by the Committee. Subsequently, he has been compulsorily retired.

We have considered this aspect of the case. Even if, the applicant's name has been approved and his result had been placed in the sealed cover in pursuance to his consideration for promotion, it would not have helped him to get any relief from this Court in view of his having been departmentally punished in the same inquiry which was then pending at the time of consideration of applicant for promotion.

Considering all the above facts, we are of the opinion that the Original Application has become infructuous and the same is liable to be dismissed.

The Original Application is, therefore, dismissed as having become infructuous. The parties are left to bear their own costs.

The O.A. is disposed of as above.

Copy of
(GOPAL SINGH)
Adm.Member

Part II and III destroyed
in my presence on 14.7.99
under the supervision of (A.K.MISRA)
Section Officer () as per Judl.Member
order dated 14.7.99

Section Officer (Record)

M.