IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of order : 30.03.99

O.A. No. 03/98

O.P. Bishnoi son of Shri Ram Karan Dass aged 61 years, retired Chief Inspector Tickets, Northern Railway, C/o. Shri Jitendra Kumar Jain, Q.No. L-57/B, Railway Colony, Sirsa - 125 055.

... Applicant.

v e r s u s

1. General Manager, Northern Railway Hqs. Office, Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.

3. Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.

... Respondents.

Mr. Y.K. Sharma, Counsel for the applicant.
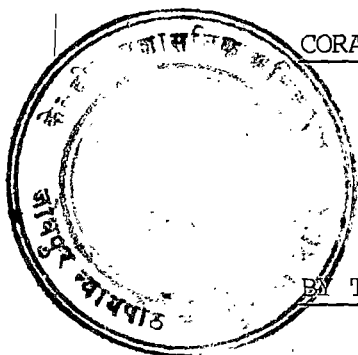Mr. V.D. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Singh, Administrative Member.

...

BY THE COURT:

The facts of the case are that the applicant was called upon to show cause for the amount wrongly paid to Shri Baij Nath from his interim relief, which is being received by the applicant on pension. Feeling aggrieved by this action of the respondents, the applicant has approached this Tribunal by the present OA and sought an interim direction to the respondents for staying the operation of the respondents' letter dated 3.12.97 at Annexure A/1. Subsequently, the applicant has informed the respondents vide his letter dated 26.11.98 that he is not receiving any iterim relief on his pension and as such no recovery can be effected from his pension. The learned counsel for the applicant has produced
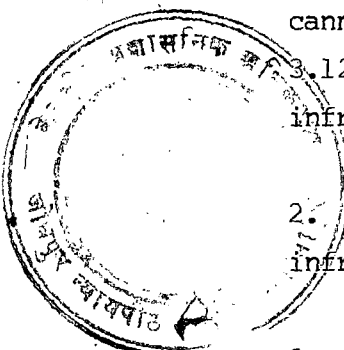
the aforesaid letter dated 26.11.98, which has been taken on the record of the case. The learned counsel for the applicant has further submitted that in view of the present position, i.e., no interim relief is being received by the applicant, the respondents cannot make any recovery on the basis of their letter dated 3.12.97 (Annexure A/1) and, therefore, this OA has become infructuous.

2. In the circumstances, the OA is dismissed as having become infructuous.

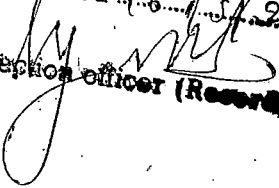3. The interim direction issued on 22.5.98 shall stand vacated.

(Gopal Singh)
Adm. Member

cvr.

R/c