

HS-1

CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

Original Application No. 175/2004

Date of Decision : this is the 3rd August, 2004

Hon'ble Mr. G.R.Patwardhan, Administrative Member

Bhadu Ram S/o Shri Ramà Ram
Aged 62 years retired FGM HS-II
MES, Air Force, Jaisalmer,
Resident of Village Bada Bagh,

.....Applicant.

[By Mr. Vijay Mehta, Advocate, for the applicant]

versus

1. Union of India through the Secretary
to Government of India,
Ministry of Defence, Raksha Bhawan,
New Delhi.
2. Garrison Engineer,
M.E.S. (Air Force), Jaisalmer.

.....Respondents.

[By Mr. S.K.Vyas, Advocate, for the respondents]

Order

[By the Court]

The applicant Bhadu Ram has preferred this application 175/2004 specifically challenging the order dated 28.6.2004 passed by Major Shri I. Borgohain, Garrison Engineer (AF), through which he was directed to deposit an amount of Rs. 1,77,426.00 in Government treasury within six weeks as contained in Annex. A/1. The Union of India through the Defence Secretary and the Garrison Engineer, MES (AF), Jaisalmer, are respondents 1 and 2 respectively.



2. Notices were issued and the learned counsel for applicant and respondents have been heard on 2nd and 3rd August, 2004.

3. In the prayer contained in paragraph 8 of the application, applicant sought quashing of the impugned orders at Annex. A/1 and a direction to the respondents not to effect any recovery from the applicant and also to make payment of the with-held amount Rs. 1,77,426/-.

4. The learned counsel for the respondents has at the out set of hearing given copies of orders dated 14.7.2004 and 31.7.2004 issued by the Garrison Engineer; these are on record. He has submitted that in view of these communications whereby, the impugned letter No. C-101/BR/81/EIC dated 28.6.2004 has been cancelled, the application has become infructuous.

5. The letters dated 14.7.2004 and 31.7.2004 as given by him are essentially similar except that the letter of 14.7.2004 cancels the impugned order – "till further orders" whereas the letter of 31.7.2004 finally cancels the same.

6. It is, therefore, not necessary to delve further in the pleadings. In view of the submissions made on behalf of the respondents, the application succeeds in entirety. The respondents are directed to make payment of the with-held amount within thirty days of the receipt of this order. No order as to costs.

SPR
[G.R.Patwardha]
Administrative Member

jrm

~~Re: W
Jefferson
Austin~~

John
Long