

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

2/13
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ORIGINAL APPLICATION NO. 278/2005
DATE OF DECISION: THIS THE 9TH DAY OF MAY, 2007

CORAM:

**HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER**

S.K.Garg S/o Shri G.S. Garg, aged 57 years, Assistant in the Office of the Commandant, 6 Field Ordnance Depot, Jodhpur, Resident of 11 A Panchwati Colony, Ratanada, Jodhpur.

.....Applicant.

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

Versus

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commandant, 6 Field Ordnance Depot, Jodhpur.

.....Respondents.

By Mr. M. Godara, Advocate brief holder for
Mr. Vineet Mathur, for the respondents.

**OPER (ORAL)
(BY KULDIP SINGH)**

The applicant, S.K. Garg, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs :-

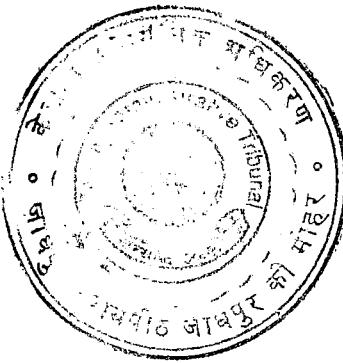
"That the applicant prays that impugned order Annex. A/1 may kindly be quashed and the respondents may kindly be restrained from proceeding further in the matter of disciplinary proceedings on the basis of Annex. A/1. Any other order, as deemed fit, giving relief to the applicant, may kindly be passed. Costs may also be awarded to the applicant."

2. The facts leading to filing of this O.A. are that according to the applicant, an Inquiry Officer was

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appointed to hold inquiry under Rule 14 of the CCS (CC&A) Rules, 1965, in the matter of disciplinary proceedings on the basis of Annex. A/1 and the charge levelled against him. However, the learned counsel for the applicant points out that appointment of Inquiry Officer has been made without serving a Charge sheet upon the applicant and the order Annex. A/1 is an order appointing the inquiring authority. On the other hand, the learned counsel for respondents argued that a Charge sheet was duly served on the applicant regarding his abusive language to Smt. Bittan Trivedi and using criminal force against her by hitting with his name plate, as per Dispatch Register on 13.9.2005. However, at the same time, the learned counsel for the respondents also points out that the Department has now taken a decision to cancel the Charge sheet and drop the proceedings initiated against the applicant vide Daily Order No. 442/SMB dated 23rd April, 2007. It has been stated in this order that the "inquiry in respect of No. 695880 – Assistant Shri S.K. Garg, published vide daily order part I under ref. is hereby cancelled".

3. We have gone through the order produced for our perusal and find that in view of the latest development on the issue, it will be a futile exercise to enter into the merits of the issue involved in the case in hand since the very order of initiating disciplinary proceedings against the applicant vide impugned order, has been dropped and the O.A. in this way, has become infructuous. The learned counsel for respondents is directed to place on record a copy of order dated 23.4.2007 and shall also supply a copy



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of the same to the learned counsel for the applicant. The O.A. is, therefore, dismissed as having become infructuous. No costs.



R. Bhandari

(R.R. Bhandari)
Admv. Member

K. Singh

(Kuldip Singh)
Vice Chairman

Ch 14/5
Ran
15/5

Part II and III destroyed
in my presence on 23-6-14
under the supervision of
section officer () as per
order dated 26-5-14.

Section officer (Record)