

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.484/08**

Wednesday this the 12<sup>th</sup> day of November 2008

**C O R A M :**

**HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

P.V.Kank,  
Staff Car Driver,  
National Service Scheme, Regional Centre,  
CGO Complex, 2<sup>nd</sup> Floor, Poonkulam,  
Vellayani P.O., Thiruvananthapuram. ....Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

**Versus**

1. The Under Secretary,  
Ministry of Youth Affairs & Sports,  
Sastri Bhavan, New Delhi – 11.
2. The Assistant Programme Advisor,  
National Service Scheme Regional Centre,  
CGO Complex, 2<sup>nd</sup> Floor, Poonkulam,  
Vellayani P.O., Thiruvananthapuram.
3. The Chief Commissioner of Income Tax,  
Aykar Bhavan, 12 Sadhu Vasvani Road,  
Pune – 411 001.
4. Union of India represented by its Secretary,  
Ministry of Personnel, Public Grievances & Pension,  
Department of Personnel & Training,  
(Division of Retraining and Redeployment),  
3<sup>rd</sup> Floor, Lok Nayak Bhavan, Khan Market,  
New Delhi. ....Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 12<sup>th</sup> November 2008 the  
Tribunal on the same day delivered the following :-

**ORDER****HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

As directed by the Tribunal on the last occasion, the concerned officer Shri.C.Samuel Chelliah, Youth Officer and the Head of Office, is present. Shri.T.P.M.Ibrahim Khan,SCGSC has submitted that soon after the fax message was received communicating the direction of the Tribunal, the officer took bonafide action and issued relieving order on 4.11.2008 relieving the applicant at the earliest convenient date i.e.11.11.2008. The date of 11.11.2008 was fixed because the camp was going on in Thiruvananthapuram and the services of the Driver was required. There was no attempt to disobey the order of the Tribunal. It was fixed on the bonafide belief that what is required to be done is immediately relieve him and also because the date fixed by the Tribunal was already over. In view of the unconditional apology rendered by the concerned officer and the explanation given by the officer concerned in the affidavit and the submissions made by the learned SCGSC, no further action is required to be taken in this matter. As per the order dated 10.11.2008, the applicant is relieved with effect from 10.11.2008. The prayer in the O.A does not survive now. The O.A has, therefore, become infructuous. The O.A is, therefore, disposed as having become infructuous.

(Dated this the 12<sup>th</sup> day of November 2008)



K.S.SUGATHAN  
ADMINISTRATIVE MEMBER