

10.4.90  
(7)

-5-  
NVK & ND

OA 276/89

Mr GP Mohanachandran for the applicant.  
Sr CGSC for the respondents.

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The counsel were informed that in the judgment passed by the Bangalore Bench of the Tribunal in Peter J D'Sa's case (1988(3) CAT-407) there is not much discussion about the judgment delivered by the Kerala High Court in the case of JD Kattapally Vs. Union of India (1980 (3) SLR 726). We would like the counsel to be heard on this particular issue in so far as it is relevant for determining the validity of Rule 9(3) of the EDA(Conduct & Service) Rules, 1964.

Let the case be listed for final hearing on 28.5.90.

*h b*

10.4.90

NVK & ND

Mr. G P Mohanachandran for the applicant  
N. N. Sugunapalan SCGSC for the respondents

This case was reserved for orders and reopened on 10.4.90 to seek clarification about certain points.

When the matter was taken up for hearing today the counsel for the applicant submitted that there is a fresh development in the case namely that in the disciplinary proceedings, the applicant has been dismissed from service and that the applicant could obtain a copy of the order two days back. In the circumstance, it is our view that as far as the present application is concerned, a fresh development has occurred and hence there is nothing on which adjudication requires at present. The applicant is at liberty to challenge the order of dismissal in which he can take all the grounds taken in this

Actd. vide notice  
No. I/2/90-Dell  
dt 25-5-90 to  
5.7.90.

BB  
5/1/90

Original application.

In this circumstances, this application  
is closed.

Copy of the order may be given to the  
applicant's counsel by hand.

5.7.90

order  
communicated  
on 6.7.90  
FILE CLOSED