

**Central Administrative Tribunal**

**Lucknow Bench Lucknow**

Original Application No.166/2008

This, the 24<sup>th</sup> day of September 2008

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)**

**HON'BLE DR. A.K. MISHRA, MEMBER (A)**

Uma Kant Gujjar aged about 40 years, son of Late Sri Prabhu Dayal, present residing at H.No. 563K/86 Shyam Nagar, Alambagh, Lucknow.

...Applicant.

By Advocate: Shri M.W. Siddiqui

Versus.

1. Union of India through General Manager, Northern Railway, Railway Head Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Chief Work Manager, Carriage and Wagon Workshop, Northern Railway, Alambagh, Lucknow.
4. Assistant Work Manager, Carriage and Wagon Workshop, Northern Railway, Alambagh, Lucknow.
5. Senior Section Engineer (Mechanical) R.S.P. (N.C.) Section, Carriage & Wagon Workshop, Alambagh, Lucknow.

... Respondents.

By Advocate:- Shri M.K. Singh.

**ORDER**

**BY MR. M. KANTHAIAH, MEMBER (J)**

The applicant has filed the OA with a prayer to quash the impugned suspension order Dt. 25.10.2007 (Ann.-A-1) of the applicant passed by the Respondent No.4 and also claiming salary during the suspension period.



2. The respondents have filed Counter Affidavit, stating that after issuance of the impugned order Dt. 25.10.2007, on the representation of the applicant the competent authority passed order Dt. 25.1.2008 (Ann.-C-2), revoking the suspension order Dt. 25.10.2007 (Ann.-A-1) and also stated that he has been paid subsistence allowance during the suspension period thus, opposed the claim of the applicant.

3. Admittedly, the impugned suspension order Dt. 25.10.2007 has been revoked by the respondent authorities vide order Dt. 25.1.2008 (Ann.-C-2) and in such circumstances deciding the claim of the applicant does not arise and as such, the application is liable for dismissal. The applicant also claimed salary during the suspension period for which, he is at liberty to make representation to the competent authority on which the authority is directed to pass reasoned order as per rules within a period of two months from the date of receipt of the copy of this order alongwith representation. With the above direction, the OA is disposed of. No costs.

  
**(DR. A.K. MISHRA)**  
**MEMBER (A)**

  
**(M. KANTHAIYAH)**  
**MEMBER (J)**  
24.09.08

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