

NEW BOMBAY BENCH

O.A. No. 194/88
~~T.A. No.~~

198

DATE OF DECISION 29.3.1990

Shri S.N.Thiaagarajan **Petitioner**

Shri S.V.Naik Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

The Hon'ble Mr. J.P.Sharma, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(9)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

CAMP : NAGPUR

OA.NO. 194/88

Shri S.N.Thiagarajan

... Applicant

vs.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (A) Shri P.S.Chaudhuri
Hon'ble Member (J) Shri J.P.Sharma

Appearance :

Mr. S.V.Naik
Advocate
for the Applicant

ORAL JUDGMENT

Dated: 29.3.1990


(PER: P.S.Chaudhuri, Member (A))

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 7.3.1988. The applicant, who is a Head Train (sic) Ticket Examiner on South Eastern Railway, challenges the order dated 4.8.1987 by which he was placed under suspension and the order dated 2.11.1987 by which a departmental inquiry was to be held against him. This inquiry was in respect of a chargesheet dated 7.9.1987 which had been served on the applicant.

2. The events which led to the issue of the orders which he is challenging in this application arose from an alleged incident when he was working on 59 Down Gitanjali Express on 31.10.1986.

3. The respondents have opposed the application by filing their written statement.

.. 2/-





4. When this case was called for hearing Mr. S.V.Naik, learned advocate appeared for the applicant. Mr. S.L.Madniwale Office Superintendent in the respondents' Nagpur Office was present.

5. Mr. S.V.Naik submitted that the order of suspension dated 4.8.1987 had been revoked sometime in or about August 1987 and hence this grievance no longer survived. He also filed a copy of a letter dated 28.2.1990 from the Divisional Commercial Superintendent, South Eastern Railway, Nagpur to the applicant informing him that he stood exonerated from the charges. Mr. Madniwale confirms that with the issue of this letter, the above mentioned departmental proceedings against the applicant no longer survive.

6. Mr. S.V.Naik, however, pressed for the award of costs to the applicant. We are unable to see any merit in this request. It is not as if the respondents have dropped the departmental proceedings merely because the applicant filed this application. Nor is it as if they dropped the departmental proceedings as a result of a judgment and order in this application. They have exonerated the applicant from the charges as a result of their own investigations and of their own volition. In our view, this is not a case where the costs should follow the event.

7. In the result, the application is disposed of as no longer surviving. In the circumstances of the case, there will be no order as to costs.


(J.P.SHARMA)
MEMBER (J)


(P.S. CHAUDHURI)
MEMBER (A)