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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 352/88
XXX No.

198

DATE OF DECISION 16.4.1991

Shri P.N. Patkar Petitioner

None Advocate for the Petitioner(s)

Versus

Telecom Dist. Engineer, Amravati Respondent
 and anr.

Shri P.M. Pradhan Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. T.C. Reddy, 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 ?

P.S. Chaudhuri

(P.S. CHAUDHURI)

M(A)

(u)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

OA.NO. 352/88

Shri Pisaram Natthuji Petkar ... Applicant
V/S.

1. Telecom District Engineer, Amravati.
2. Union of India, through the General Manager, Telecom, Bombay. ... Respondents

CORAM: Hon'ble Member (A) Shri P.S.Chaudhuri
Hon'ble Member (J) Shri T.C.Reddy

Appearance

None for Applicant

Mr.P.M.Pradhan
Advocate
for the Respondents.

ORAL JUDGEMENT

Dated: 16.4.1991

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

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 12.5.1988. In it the applicant who is Junior Accounts Officer in the office of the first Respondent is challenging the order dated 5.5.1988 by which he is placed under suspension with immediate effect.

2. It is the applicant's case that he was first placed under suspension by an order dated 8.10.1986 which he challenged by filing OA.607/87. By order dated 14.4.1988 of this Bench that suspension order was set aside. On 7.5.1988 the applicant was, however, served with the impugned order of suspension. It is the applicant's case that no fresh material whatsoever was available for placing him under suspension and that the entire investigation was over and the relevant records were in the possession of the Enquiry Officer/Presenting Officer and that

therefore no useful purpose was served by placing the applicant under suspension. Being aggrieved by the impugned order, he filed the present application.

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

4. When this case was called for hearing none appeared for the applicant. Mr. P. M. Pradhan, learned counsel appeared for the respondents.

5. It was Mr. Pradhan's submission that by ^{the Tribunal's} interim order dated 12.5.1988 the respondents were directed not to give effect to the impugned order of suspension dated 5.5.1988. He further submitted that by ^{the respondents'} order dated 6.6.1988 the suspension order was revoked w.e.f. 30.5.1988. In the same order it was directed that the period of suspension from 8.10.1986 to 4.5.1988 was to be treated as on duty. By further order dated 14.6.1990 the period from 5.5.1988 to 29.5.1988 is also treated as on duty. It was Mr. Pradhan's submission that in view of these orders the present application no longer survives.

6. In this view of the matter, we are of the opinion that this application has become infructuous.

7. We, accordingly, dismiss the application as infructuous. In the circumstances of the case, there will be no order as to costs.

T. C. REDDY
(T. C. REDDY)
MEMBER (J)

P. S. CHAUDHURI
(P. S. CHAUDHURI)
MEMBER (A)