

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 508 of 1999.

Dated this Friday, the 1st day of October, 1999.

CORAM : Hon'ble Shri Justice R. G. Vaidyanatha, Vice-Chairman.
Hon'ble Shri B. N. Bahadur, Member (A).

Sudhir Anandarao Burate,
Inspector,
Central Excise,
Pune-II Commissionerate,
Residing at - Customs Colony,
6/1, Tarabai Park,
Kolhapur - 416 003. Applicant.

(By Advocate Shri A. I. Bhatkar)

VERSUS

1. Union of India through
The Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi - 110001.
2. The Commissioner,
Central Excise & Customs,
Pune-II PMC's Commercial Bldg.,
Hira Baug, Tilak Road,
Pune - 411 002.
3. The Additional Commissioner (P&V),
Central Excise & Customs Pune-II,
PMC's Commercial Building,
Hira Baug, Tilak Road,
Pune - 411 002. Respondents.

(By Advocate Shri V. D. Vadhavkar for
Shri M. I. Sethna).

O R D E R [ORAL]

Per : Shri R. G. Vaidyanatha, Vice-Chairman.

This is an application filed by the applicant challenging
the legality and validity of the charge-sheet dated 13.11.1996
and for quashing the department's enquiry proceedings.

2. The respondents' counsel now brings to our notice that the Disciplinary Authority has since passed a final order dated 03.09.1999 holding that the charges are proved against the applicant and imposing the penalty of reduction of pay by two stages for a period of two years.

In view of the subsequent event mentioned above, the question of quashing the charge-sheet of the departmental proceedings will not arise. Similarly, the alternative prayer made in the O.A. that respondents should expedite the departmental enquiry proceedings, will not also survive since the enquiry has been closed and final orders have been passed. Therefore, in our view, the prayers in the O.A. have become infructuous. In case the applicant is aggrieved by the order of the Disciplinary Authority, he may have to challenge the same according to law.

3. In view of the above reasons, the O.A. is disposed of as having become infructuous. All contentions on merits are left open. No order as to costs.

B. N. Bahadur

(B. N. BAHADUR)

MEMBER (A).

R. G. Vaidyanatha

(R. G. VAIDYANATHA)

VICE-CHAIRMAN.