

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 102/99.

Date of Decision: 26/2/99

K.V.Prasadrao

Applicant.

in person

Advocate for  
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Shri V.S.Masurkar

Advocate for  
Respondent(s)

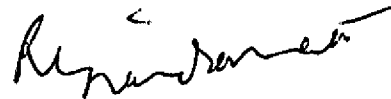
CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri.D.S.Baweja, Member(A).

- (1) To be referred to the Reporter or not? *No*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *NO*

abp.

  
(R.G.VAIDYANATHA)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FORT,  
MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 102/99.

DATED THE 26th DAY OF FEBRUARY, 99.

Karpurapu Vava Prasadrao,  
12, Mukund Apartments,  
Gandharva Nagari,  
Nashik Road - 422 101.

... Applicant.

v/s.

Union of India through  
The General Manager,  
Currency Note Press,  
Nashik Road-422 101.

Deputy General Manager,  
Currency Note Press,  
Nashik Road - 422 101.

... Respondents.

By Advocate Shri V.S. Masurkar.

I O R D E R I

I Per Shri R.G. Vaidyanatha, Vice Chairman I

This is an application filed by applicant challenging the order of suspension dated 14/8/96 and challenging the show cause notice dated 20/4/98 and consequently wants a direction to respondents to pay him full pay and allowances <sup>for</sup> of the suspension period. Shri V.S. Masurkar appears for respondents and orally opposes admission of the application. We have heard the applicant who has appeared in person and Shri V.S. Masurkar for respondents.

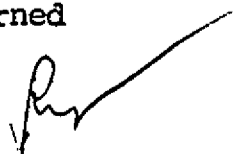
2. The applicant's first prayer ~~is~~ for quashing suspension order dated 14/8/96 does not arise in this case. Admittedly, the suspension period has already been revoked by department. Since the suspension order is no longer in force, the prayer for quashing of suspension order does not survive.



As far as the second prayer is concerned, the show cause notice dated 20/4/98 is merged with the final order passed by Competent Authority on 8/5/98 and as the final order has already been passed, and since the show cause notice merges with the final order, the prayer for quashing the show cause notice does not survive. Then the applicant has a right to challenge the final order and may also file an appeal before Appellate Authority and if any adverse order is passed, he may challenge the same according to law. The question of quashing the show cause notice no longer survives in view of the final order passed by competent authority, the OA for the above prayers is not maintainable.

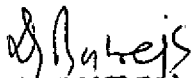
3. The next and the last prayer is that applicant wants full pay and allowances <sup>for</sup> of the suspension period. This is a matter which Disciplinary Authority <sup>has</sup> as to decided immediately after passing the final order. It is brought to our notice that the departmental enquiry ended in passing the order of penalty against the applicant which is dated 8/5/98. Further, Competent Authority has passed an order dated 29/9/98 stating that during the suspension period the applicant is entitled to 50% of pay and allowances 14/8/96 to 14/1/98. Therefore, this matter has already been considered and specific order is passed by Disciplinary Authority. If the applicant is aggrieved by this order, he must file statutory appeal before Appellate Authority and if he is still aggrieved, he can approach the Tribunal.

Therefore, we find the present application with regard to 3 prayers is not maintainable and the applicant should file appeal before Appellate Authority. But the applicant submits that he has not received the penalty order dated 8/5/98. He says that he has returned that order to administration.



4. The learned-counsel for respondents submits that they have no objection to give one more copy and therefore we hereby direct the respondents to give the applicant one copy of penalty order dated 8/5/98 within two weeks from the date of receipt of copy of this order.

5. In the result, the OA is rejected at admission stage. There will be no orders as to costs. Copy of the order be furnished to both the parties.

  
(D.S. BAWEJA)  
MEMBER (A)

  
(R.G. VAIDYANATHA)  
VICE CHAIRMAN

abp.