

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 863/2000

DATE OF DECISION: 20/04/2001

Shri Anil P Khandetod

Applicant

Shri S.S.Karkera

Advocate for
Applicant.

Versus

Union of India & 3 Ors.

Respondents.

Shri R.K.Shetty

Advocate for
Respondents.

Coram:

Hon'ble Shri Kuldip Singh, Member(J)

Hon'ble Smt. Shanta Shastray, Member (A).

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal? (P)
3. Library.


(KULDIP SINGH)
MEMBER(J)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:863/2000
DATED THE 20TH DAY OF APRIL, 2000.

CORAM:HON'BLE SHRI KULDIP SINGH, MEMBER(J).
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

Shri Anil P Khandetod,
at present working as Sr.
Auditor, under Jt.C.D.A.,
I/C.PAO (CRS)Arty Nasik
residing at D-1-7 Harishakti
Co-op. Hsg. Society, Rane Nagar,
Nasik - 422 008. ... Applicant.

By Advocate Shri S.S.Karkera

V/s.

1. The Union of India,
Through The Secretary,
Ministry of Defence,
New Delhi.
2. The Controller of Defence Accounts,
O/O.Controller of Defence Accounts,
Southern Command No.1, Finance Road,
Pune - 411 001.
3. Smt.Rajeshwari Nath(I.D.A.S.),
the then Disciplinary Authority),
at present working as Principal
Controller, O/O.The Principal
Controller, Western Command,
Chandigarh.
4. Shri Vishruth Abhimma (I.D.A.S),
Assistant Controller of Defence,
Accounts, P.A.O. (GREF),
O/O.Principal Controller of Defence,
Accounts, (SC) Pune - 411 001. ...Respondents.

By Advocate Shri R.K.Shetty

(ORAL) (ORDER)

Per Shri Kuldip Singh, Member(A).

The applicant has filed the OA where he is challenging the order dated 24/12/1999, withholding of two increments. While seeking a quashing of the same, he has also prayed that the Tribunal grant/promotion to the post of Section Officer (Accounts) from the date the applicant's junior

has been promoted and with all consequential benefits such as pay and arrears of pay, etc.

2. While the OA was pending, simultaneously, the applicant had filed an appeal against the order of disciplinary authority, the Appellate Authority has accepted the appeal and quashed the impugned order and he was also granted promotion from 10/4/2001. He has not been given the notional promotion and the same is due. Counsel for applicant further submits that his pay has not been fixed, and the monetary benefits have not been granted.

3. We have considered this on mention of counsel for applicant. As far as the consequential benefits are concerned, as prayed for by the applicant, the applicant may make a representation to the respondents. Since the cause of action that is the order under challenge has been quashed by the Appellate Authority, the OA becomes infructuous. The applicant may make a representation to the department regarding the promotion and arrears of pay and the same should be decided within three months by way of a speaking order. Hence, the OA is dismissed as infructuous. No costs.

1-9-

(SHANTA SHAstry)
MEMBER(A)

(KULDIP SINGH)
MEMBER(J)

abp.