

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 26 AUG 1993

APPLICATION NO(s).

16

193

Applicant(s)

To: M. Mani

Respondent(s)

Collector of Central Excise

1. M. Mani. ~~Shop~~ NO. 19, 7th Cross, B street
Jagadamba Nagar. Bangalore-33
2. The Collector of Central Excise Central
Revenue Building Queen's Road Bangalore
3. Central Board of Excise & Custom
by its Secretary North Block New Delhi.
4. Union of India, by its Secretary
to Govt Ministry of Finance New Delhi.
5. Sri. M. S. Nagappa, Advocate NO. 11, 2nd
Floor, Sujatha Complex, Gaudia Nagar
Bangalore-9.
6. Sri. M. S. Padmaja Jagadeesh, Senior Counsel
for Central Govt High Court Building

Bangalore

**SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.**

Please find enclosed herewith a copy of the ORDER/
~~STAY/INTERIM ORDER~~ passed by this Tribunal in the above said
application(s) on ---358-93---

Issued by

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

DATED THIS THE 3RD DAY OF AUGUST, 1993

PRESENT

HON'BLE SHRI S. GURUSANKARAN .. MEMBER (A)

HON'BLE SHRI A.N. VIJJANARADHYA .. MEMBER (J)

APPLICATION No.16/93

Sri M. Mani,
S/o. P. Muniswamy,
Superintendent of Central Excise (Retired),
19, 7th Cross, B Street,
Jayabharatnagar,
Bangalore - 560 033. Applicant

(Dr. M.S. Nagamaja . . . Advocate)

Vs.

1. The Collector of Central Excise
Central Revenue Buildings
Queen's Road, Bangalore.
2. Central Board of Excise & Customs,
represented by its Secretary,
Central Board of Excise & Customs,
North Block, New Delhi.
3. Union of India
represented by
Secretary to Government,
Ministry of Finance,
New Delhi. Respondents

(Shri M.S. Padmarajaiah . . Advocate)

This application, having come up before
this Tribunal today for hearing, Hon'ble Shri S.
Gurusankaran, Member (A), made the following :

ORDER

In this application, the applicant is aggrieved by non release of his gratuity and commuted value of pension after his superannuation with effect



from 31.8.1990 and ~~he has~~ prayed for quashing of the reply dated 24.11.1992 (Annexure-A2) and directing the respondents to release the gratuity and commuted value of pension. On the filing of the application Shri M.S. Padmarajaiah, the learned senior standing Central Govt. Counsel took notice on our direction and the respondents have yet to file reply.

2. Today, when the matter came up for hearing, Shri M.S. Padmarajaiah brought to our notice that the Disciplinary Proceedings referred in Annexure-A2 have now been concluded and the applicant has been imposed with the punishment of withholding of 20% of the monthly pension for a period of 5 years, but, released the gratuity admissible to him. Dr. M.S. Nagaraja also submits that in view of the fact that the Disciplinary proceedings have concluded and orders have been issued for releasing the pensionary benefits with the imposition of the punishment referred to, this application has become infructuous and he may be allowed to withdraw the same with permission to approach the appropriate forum for challenging the punishment imposed on him on the conclusion of the disciplinary proceedings.

3. Having heard the submissions of both the parties, we find that this application is mainly for quashing the order dated 24.11.1992 and directing the respondents to release the gratuity and commuted value of pension, Since the disciplinary proceedings are already been concluded and punishment has been imposed on him, this

application has become infructuous.

4. In view of this, we allow the applicant to withdraw this application as having become infructuous reserving liberty to approach the appropriate forum to challenge the punishment imposed on him, if so desired.

Sd/-

MEMBER (J)

Sd/-

MEMBER (A)



TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

26/8/93