

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 29.9.93.

TA 1885/86
(CS 26/83)

SHRI LAL

... APPLICANT.

V/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON. MR. GOPAL KRISHNA, MEMBER (J).

HON. MR. O.P. SHARMA, MEMBER (A).

For the Applicant

... SHRI P.V. CALLA.

For the Respondents

... SHRI U.D. SHARMA.

PER HON. MR. O.P. SHARMA, MEMBER (A).

The plaintiff Shri Lal (hereinafter referred to as the applicant) had filed a Civil Suit in the court of the learned Munsif, Karauli, claiming a decree to the effect that the defendants (hereinafter referred to as the respondents) be directed not to relieve the applicant of the charge of the post of EDBPM without any reason and that the applicant may be allowed pay and allowances of the said post from March, 1981 on a regular basis. The suit was transferred to this Tribunal u/s 29 of the Administrative Tribunals Act, 1985, and registered as TA 1885/86.

2. We have heard the learned counsel for the parties and perused the records.

3. On the last date of hearing, which was 15.9.93, the learned counsel for the respondents had stated that

enquiry proceedings in this case had been completed and order of removal from service had also been passed on 13.12.90. A copy of that order was given to the learned counsel for the applicant. The learned counsel for the applicant had on that date sought time to argue the case and to seek instructions from the applicant.

4. As stated above, the prayer of the applicant is that he should not be relieved from his duty as EDBPM. However, the learned counsel for the respondents has stated that an enquiry under Rule 8 of the Posts and Telegraphs Extra Departmental Agents (Conduct & Service) Rules, 1964 was instituted against the applicant and on conclusion of the proceedings, penalty of removal from service under Rule 7 of the said Rules was imposed on the applicant. The applicant is no longer in service at present. In view of what has been stated by the learned counsel for the respondents at the bar, this TA has now become infructuous. It is, therefore, dismissed. The parties to bear their own costs.

(J.P. SHARMA)
MEMBER (A)

(GOPAL KRISHNA)
MEMBER (J)