

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 03.10.2001

OA No. 109/2001

Bheru Singh son of Shri Mal Singh aged about 39 years, resident of Village Dhola Dhata, Post Barakhan via Bara Kheda, District Ajmer (Rajasthan). Last working as Helper under the Inspector of Works (Construction), Ajmer.

.... Applicant.

VERSUS

1. The Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Dy. Chief Engineer (C), Western Railway, Jaipur Division, Jaipur.
3. The Inspector of Works (Construction), Western Railway, Jaipur.

.... Respondents.

Mr. P.V. Calla, Counsel for the applicant.

Mr. U.D. Sharma, Counsel for the respondents.

CORAM

Hon'ble Mr. Justice B.S. Raikote, Vice-Chairman

Hon'ble Mr. Gopal Singh, Member (Admn.)

.... 2/-

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ORDER

PER HON'BLE MR. JUSTICE B.S. RAIKOTE, VICE CHAIRMAN

This application is filed for a direction to the respondents to permit the applicant to join on duty on the post of Khallasi. By filing counter, the respondents have contended that the applicant was already removed from his service vide order dated 11.6.1999 (Annexure R-3). Therefore, applicant's prayer does not survive. There is a substance in the arguments of the learned counsel for the respondents. However, the learned counsel for the applicant submitted that he has received the copy of the order of removal alongwith the counter and he was not knowing existence of this order. In this matter we do not wish to express any opinion at this juncture. The learned counsel for the applicant may challenge the removal order before the Competent Authority. Accordingly we pass the order as under:

The application is dismissed as having become infructuous. It is open to the applicant to prefer an appeal before the competent authority. All the points of both parties are kept open. It is also open to the applicant to explain the delay before to the competent authority. No costs.

(Gopal Singh)

(GOPAL SINGH)  
MEMBER (A)

(B.S. RAIKOTE)  
VICE CHAIRMAN