

ORDER OF THE TRIBUNAL

20.5.2005

Shri Manoj Sharma, counsel for the petitioners.

Shri S.A. Dharmadhikari counsel for the respondents.

The learned counsel for the respondents states that the direction given by the Tribunal on 21.7.2004 in OA No.594/02 has been fully complied with by the respondents by reinstating the applicant in service. Thus, there is full compliance with the aforesaid direction of the Tribunal. Therefore, the OA has become infructuous.

On the other hand the learned counsel for the applicant states that the order of the Tribunal has not been fully complied with by the respondents in accordance with the direction given by the Tribunal. The applicant has already been reinstated in service, but a fresh appointment order has been issued to him. Therefore, all the past services of 28 years of the applicant has been washed away. Thus, the respondents have not fully complied with the direction in accordance with the judgement of Supreme Court in the case of UOI & Ors. Vs. M. Ashlam.

We have considered the rival contentions of both the parties and on careful perusal of the records, we are of the considered view that no fresh direction can be given at this stage. However, the learned counsel for the applicant is at liberty to approach this Tribunal if he still feels aggrieved and so advised.

In view of the above, the CCP has become infructuous. Accordingly, the same is dismissed as infructuous. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman