

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 563 of 2005

Jabalpur, this the 4th day of August, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Vijay Kumar Singh. S/o. Shri
R.C. Singh, aged about 55 years,
R/o. House No. 51, Shiv Nagar,
Garha, Jabalpur. Applicant

(By Advocate – Shri Rajneesh Gupta)

V e r s u s

1. Union of India, through Secretary,
Ministry of Defence,
New Delhi.
2. Ordnance Factory Board,
Through its Chairman, 10-A,
S.K. Bose Road, Kolkata.
3. Senior General Manager, Gun
Carriage Factory, Jabalpur.
4. Joint General Manager (Administration),
Gun Carriage Factory, Jabalpur.
5. Dy. General Manager, (Admn.)/Vigilance
Officer, Gun Carriage Factory,
Jabalpur. Respondents

(By Advocate – Shri P. Shankaran)

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

Heard the learned counsel for the parties.

2. By filing this Original Application the applicant has claimed the following main reliefs :



“(i) to declare the departmental enquiry as abated in the light of the order passed in OA No. 495/2004.

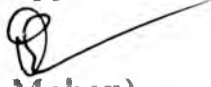
(ii) to direct the respondents to reinstate the applicant by revoking the suspension forthwith w.e.f. March, 2005 as the period of about 3 months has expired in conclusion of departmental enquiry in March, 2005.”

3. The learned counsel for the respondents has pointed out that the suspension order has already been revoked and the applicant has been reinstated in service. As regards the departmental enquiry the respondents have already concluded the enquiry and have passed the final order by imposing the penalty on the applicant vide order dated 16th July, 2005. Thus, this Original Application has become infructuous.

4. On the other hand the learned counsel for the applicant has moved an application for amendment in the Original Application to challenge the order passed by the respondents on 16th July, 2005 and declaring the enquiry to be abated with effect from 4th March, 2005.

5. Since the enquiry proceedings are already concluded and the disciplinary authority has passed the final order, there is no question of abating the enquiry at this stage which is not in existence. As regards the suspension order, the respondents have already revoked it and the applicant has also joined his duties. Thus, now the applicant has to avail the departmental remedies available to him as is provided under the Administrative Tribunals Act, 1985, before approaching this Tribunal.

6. In view of the fact that the enquiry has already been concluded and the final order has been passed, this Original Application has become infructuous and is liable to be dismissed as infructuous. Accordingly, the Original Application is dismissed as infructuous.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman