

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 191 of 2004

Jabalpur, this the 26th day of October, 2004

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

B.L. Jaiswal, Son of Shri Mangiram,
Tracer, Gun Carriage Factory,
Ticket No. 185/NIE/D.O., Jabalpur,
Jabalpur (M.P.. Applicant

(By Advocate – None)

Versus

1. Union of India,
through Secretary,
Ministry of Defence,
New Delhi.
2. General Manager,
Gun Carriage Factory,
Jabalpur (M.P.).
3. The Chairman,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta. Respondents

(By Advocate – Shri Om Namdeo)

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

None is present for the applicant. We invoke the provisions of Rule 15 of CAT (Procedure) Rules, 1987 to decide this Original Application. Heard the learned counsel for the respondents.

2. By filing this Original Application the applicant has challenged the order dated 8th February, 2003 (Annexure A-4) passed by the Disciplinary Authority and also the order dated 20.2.2003 (Annexure R-5)

passed by the Disciplinary Authority making certain correction in the order dated 8th February, 2003.

3. According to the learned counsel for the respondents the applicant has filed an appeal before the appellate authority and without waiting for the decision of the appellate authority the applicant has filed the present OA challenging the orders passed by the disciplinary authority. The learned counsel for the respondents has submitted that during the pendency of the OA the appellate authority has passed the order dated 1st July, 2004 modifying the punishment order from reduction of pay by two stages for a period of two years without cumulative effect to that of Censure. This order is not challenged by the applicant and hence, the present OA has become infructuous and is liable to be dismissed as infructuous.

4. We have given careful consideration to the rival contentions and we find that the order passed on 1st July, 2004 by the appellate authority is not challenged by the applicant. The appellate authority has modified the punishment imposed by the disciplinary authority to that of Censure from reduction of pay by two stages for a period of two years without cumulative effect. The order of the disciplinary authority now merges with the order of the appellate authority. Since the applicant has not challenged the order passed by the appellate authority, 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

“SA”

प्रबंधन सं. ओ/न्या....., जगलपुर, दि.....
प. एसिलिय्स एस) दिना:—
(1) सचिव, उत्तर प्रदेश सरकार एकाडेमिक, जगलपुर
(2) अधिकारी एस/एस/एस..... के प्रबंधन
(3) प्रबंधन श्री/श्री/एस/एस..... के प्रबंधन
(4) अधिकारी, एस/एस, जगलपुर एकाडेमिक
सूचना एवं आवश्यक कार्यपाली, दिना:—
A.C. (Kohli)
Om Namah
उप रजिस्ट्रर

Issued
on 2/11/2004
B.B.