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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 468 of 2003

Jabalpur, this the 19th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Smt. Urmila Singh, W/o Late Ram Pancham
Singh, Aged 47 years, R/o Village:
Mouhar, Distt: Satna, MP

APPLICANT

(By Advocate - Shri Yogesh Mishra)

VERSUS

1. Commissioner, Kendriya Vidhyalaya
Sangathan Regional Office,
Jabalpur.
2. Assistant Commissioner, Kendriya
Vidhyalaya Sangathan Regional
Office, Jabalpur.
3. Principal, Dr.B.R. Ambedkar
Kendriya Vidhyalaya, Satna, MP
4. G.P. Shukla, T.G.T, Dr. B.R.
Ambedkar Kendriya Vidhyalaya,
Satna, M.P.

RESPONDENTS

(By Advocate - Shri M.K. Verma)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the following main reliefs :-

- "(i) a writ of 'Certiorari' quashing the impugned order dt.28.3.2001(AnnexureA-3).
- (ii) a command to Respondents to reinstate the Applicant's late husband with all consequential service benefits entitled to him.
- (iii) a command to the Respondents to pay all consequential service benefits and arrears admissible to Applicant's late husband with interest of 18% to the applicant."

2. The brief facts of the case are that the applicant's husband was working as a Laboratory Attendant under the respondents. He was issued a charge-sheet under Rule 14 of CCS(CCA) Rules, 1965 vide memo dated 4.8.2000. The respondents have appointed an enquiry officer to conduct the enquiry. The charges levelled against the applicant's husband were held proved and a copy of the report of enquiry officer was served upon him. On receipt of his representation, the disciplinary authority considered all the

relevant facts, report of the enquiry officer and the representation of the applicant's husband, passed the penalty of removal from service vide order dated 28.3.2001 (Annexure-A-3). The applicant's husband challenged the order of removal from service by filing an OA No.590/2001 before this Tribunal and the Tribunal vide its order dated 17.1.2002 directed the appellate authority to dispose of his appeal through a speaking order. In the meantime the applicant's husband expired on 21.5.2002. The legal heirs of the deceased Government servant had filed MA No.1332/2002 which was decided by the Tribunal vide order dated 2.4.2003 by directing the respondents to decide the appeal of the applicant's husband. The respondents vide order dated 8/14.8.2003 have decided the appeal and modified the order of removal from service to compulsory retirement.

3. Heard the learned counsel of both sides.

4. Since the respondents have already decided the appeal of late Govt.servant and they have modified the penalty of removal from service to that of compulsory retirement and all retiral benefits have been paid to the legal heirs of deceased Government servant, the main relief claimed by the applicant to quash the order dated 28.3.2001 whereby the penalty of removal from service was imposed, has become infructuous. As the deceased Government servant is no more, no other relief can be granted by the Tribunal.

5. In the result, the OA has become infructuous and is accordingly dismissed. No costs.

(A.K.Bhatnagar)
Judicial Member

(M.P.Singh)
Vice Chairman

rkv.

पृष्ठान्कन सं ओ/न्या.....जबलपुर, दि.....

पतिविलिपि

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) जिला न्यायाधीश, जबलपुर
- (3) प्रमुख न्यायाधीश, जबलपुर
- (4) न्यायाधीश, जबलपुर

सूचना एवं आवश्यक कार्यवाही

उप रजिस्ट्रार

Yogesh Mishra
M.K. Verma

Filed
1-9-04