

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR.

Original Application No. 716 of 1998  
this the 24th day of February 2003.

HON'BLE MR. R.K. UPADHYAYA, MEMBER (A)  
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

J.D. Misra, aged about 57 years, Senior Sectional Engineer  
(P.Way) (MD), Central Railway, Jabalpur.

Applicant.

By Advocate : Sri M.R. Chandra.

Versus.

1. Union of India through General Manager, Central Railway, Mumbai.
2. Chief Personnel Officer (Engg.), Central Railway, Mumbai.
3. Divisional Railway Manager, Central Railway, Jabalpur.
4. Sr. Divisional Engineer (Co-ordination), Central Railway, Jabalpur.

Respondents

By Advocate: Sri S.P. Sinha.

ORDER (ORAL)

BY MR.R.K. UPADHYAYA, MEMBER(A)

This application has been filed challenging the continuation of the disciplinary proceedings and it has been prayed that the same may be finalised within a period of two months. Alternatively, the applicant has also sought a direction to the respondents that pending disposal of the disciplinary proceedings, the applicant should be promoted.

2. The applicant was working as Senior Sectional

Engineer (P.Way) Material Disposal at Jabalpur. It is claimed by the applicant that he was involved in a CBI trap case and issued a chargesheet on 9.8.95, Aggrieved by this, he has filed this O.A.

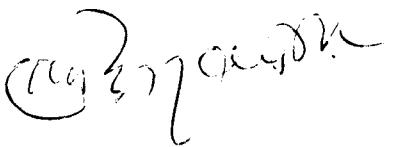
3. The learned counsel for the respondents has filed M.A. no. 228 of 2003 stating that during the pendency of this application, the disciplinary proceedings have been completed and the applicant has been punished by penalty of removal from service by order dated 5/30.4.2001. It was, therefore, stated by the learned counsel for the respondents that sofar the present O.A. is concerned, the same has become infructuous.

4. After hearing the learned counsel for the parties, it is seen that by order dated 30.4.2001 (Annexure R-1), the applicant has been imposed a penalty of removal from service. Against this order, the applicant filed an appeal before the appellate authority, which was dismissed on 17.12.2002. Thereafter, the applicant filed a Revision petition, which has also been dismissed by Revising Authority.

5. In view of these facts, in our opinion, this O.A. has become infructuous. If the applicant is aggrieved against the aforesaid orders, he will be free to seek his remedy in accordance with law. So far this O.A. is concerned, the same is dismissed as infructuous without any order as to costs.



(Mrs. Meera Chhibber)  
Member (A)



(R.K. Upadhyaya)  
Member (A)

