

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 27th August, 2008

ORIGINATION APPLICATION NO. 115/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Nahar Singh son of Shri Bhadai Ram aged about 59 years, resident of
4/28, A.G. Colony, Bajaj Nagar, Jaipur (Rajasthan).

.....APPLICANT

(By Advocate: Mr. Hemant Gajraj proxy counsel to Mr. Saugath Roy)

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Finance, New Delhi.
2. Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
3. The Principal Accountant General, Rajasthan, Jaipur.
4. Shri B.P. Yadav, Sr. Deputy Accountant General, Rajasthan, Jaipur.
5. Shri Rajesh Kumar Goel, Sr. Deputy Accountant General, Rajasthan, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. Gaurav Jain)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) By appropriate order or direction, the entire relevant record of the non applicants, pertaining to the case, may be summoned.
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- (ii) By an appropriate order or direction, the impugned charge sheet dated 23.11.2004 (Annexure A/6) and order dated 12.1.2005 (Annexure A/7) may kindly be quashed and set aside.
- (iii) By an appropriate order or direction, the Inquiry Officer should be changed with immediate effect.
- (iv) Any other appropriate order or relief which this Hon'ble Tribunal deems fit and proper may kindly be granted in favour of the humble applicant."

2. Notice of this application was given to the respondents. Respondents have filed their reply thereby opposing the claim of the applicant.

3. The respondents have filed an MA No. 259/2008 for taking certain documents on record. It has been averred in this MA that during the pendency of this case, the applicant has retired from service on 30.11.2005 after attaining the age of superannuation and he has been awarded penalty of 10% cut in pension for a period of three years vide order dated 21.05.2008 (Annexure MA/2).

4. In view of this subsequent development, the present OA does not survive. It will be open for the applicant to file fresh OA thereby challenging order dated 21.05.2008, if so desired. It is, however, clarified that it will be permissible for the applicant to raise all permissible pleas in the OA to be filed including the plea raised in this OA.

5. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUDHARY)
MEMBER (J)

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