

26.02.2009

OA No. 47/2007

Mr. Rajendra Vaish, Counsel for applicant.

Mr. Kunal Rawat, Sr. Standing Counsel for respondent No.

1.

Mr. V.S. Gurjar, Counsel for respondent no. 2.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 26th day of February, 2009.

ORIGINAL APPLICATION NO. 47/2007

CORAM:

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

Dr. Awahesh Kumar son of Shri Sunder Lal aged about 58 years, resident of A-404, Anukampa Apartment, Malviya Nagar, Presently working as Superintendent Engineer, Doordarshan Kendra, Jaipur (Under transfer)

.....APPLICANT

(By Advocate: Mr. Rajendra Vaish)

VERSUS

1. Union of India through the Secretary, Information & Broadcasting, Shashtri Bhawan, New Delhi.
2. The Chief Executive Officer, Prasar Bharti, PTI Building, Parliament Street, New Delhi.

.....RESPONDENTS

By Advocates

Mr. Kunal Rawat, Sr. Standing Counsel for Respondent No.1
Mr. V.S. Gurjar - Respondent No. 2

ORDER (ORAL)

The applicant has filed this OA thereby challenging the order dated 03.06.2003 (Annexure A/1). When the matter was listed on 01.03.2007, this Tribunal while issuing notices to the respondents has also made reference to the contention raised by the learned counsel for the applicant.

2. Notice of this application was given to the respondents. The respondents have filed reply thereby opposing the claim of the applicant. The respondents have also brought to the notice of this Tribunal that inquiry proceedings have been concluded and the copy of the same has also been served to the applicant. This fact was

noticed in our order dated 08.09.2008. Thereafter, the matter was adjourned. It was not known as to what action the respondents have taken on the inquiry report submitted by the Inquiry Officer. Learned counsel for the applicant is also not aware whether any action has been taken on the inquiry report.

3. In view of this subsequent development, we are of the view that the present OA does not survive, which is accordingly disposed of. It is, however, clarified that it will be permissible for the applicant to raise all objections in the substantive OA which have been raised by him in this OA including the objection noticed by this Tribunal in its order dated 01.03.2007 in case the applicant is aggrieved by the action, if any, to be taken by the respondents on the inquiry report so submitted by the inquiry officer.

4. With these observations, the OA is disposed of with no order as to costs. It is made clear that we have not given any finding on merit of the case and the case is disposed of on the basis of observation made herein above.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ