

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 11<sup>th</sup> day of August, 2008

ORIGINAL APPLICATION NO.36/2008

CORAM :

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

Arjun Bhojwani,  
Inspector,  
Income Tax,  
O/o Commissioner of Income Tax (CIB),  
NCR Building, Statue Circle,  
Jaipur.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through  
Secretary to the Govt.,  
Department of Revenue,  
Ministry of Finance,  
North Block,  
New Delhi.
2. Chief Commissioner of Income Tax,  
NCR Building,  
Statue Circle,  
Jaipur.
3. Commissioner,  
Income Tax (CIB),  
NCR Building, Statue Circle,  
Jaipur.

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA against the Memorandum dated 11.1.2008 (Ann.A/1), whereby the respondents have decided to dismiss the applicant from service on the ground of his conviction in a criminal case.

2. While issuing notice this Tribunal, vide a detailed order dated 6.2.2008, stayed operation of the impugned order on the ground that the respondents have not indicated the reason in the impugned order as to why the competent authority has come to the conclusion to impose heaviest penalty of dismissal from service upon the applicant. As such, the applicant has been precluded from making an effective reply. It was further ordered that it will be open for the respondents to withdraw the impugned memorandum and issue a fresh memorandum as required under Rule-19 of the CCS (CCA) Rules, 1965 and this order will not come in the way of the respondents in case they decide to issue fresh memorandum/show-cause notice.

3. Admittedly, the respondents have not issued any fresh show-cause notice in terms of the observations made by this Tribunal vide order dated 6.2.2008, instead the respondents have chosen to contest this case and have filed their reply.

3. It has been stated in the reply that the applicant has been convicted under Section 120(B) of IPC and Section-7 & 13(2) read with 13(i)(d) of the Prevention of Corruption Act, 1988. Though the

Hon'ble High Court has suspended the sentence passed by the Trial Court but has not stayed the conviction order passed by the Special Court. Thus, according to the respondents, the applicant is guilty of the serious charges and is not liable to be retained in government service. However, learned counsel for the applicant submitted that the applicant has retired from service on superannuation on 31.5.2008.

4. In view of the subsequent development, since the applicant has been retired from service on superannuation, this OA has become infructuous and the same is dismissed accordingly as having become infructuous. No order as to costs.

  
(B.L.KHATRI)  
MEMBER (A)

  
(M.L.CHAUHAN)  
MEMBER (J)

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