

OPEN COURT
Central Administrative Tribunal, Allahabad Bench,
Allahabad

Original Application No.330/00994/2017

This the 19th day of September, 2018

Hon'ble Mr. Justice Bharat Bhushan, Member (J)

Ashutosh aged about 39 years son of late Chandra Prakash
 r/o House No. 471/341/19 Shastri Nagar, Sadiapur,
 Allahabad-211003 (U.P.)

..... Applicant

By Advocate: Sri N.P. Singh

Versus

1. Union of India through Secretary, Ministry of Communication, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Allahabad Region, Allahabad.
4. Director, Postal Services, Allahabad Region, Allahabad.
5. Senior Post Master, Head Post Office, Allahabad, U.P.

..... Respondents.

By Advocate:-Sri Praveen Shukla

ORDER

HON'BLE MR. JUSTICE BHARAT BHUSHAN, MEMBER (J)

This Original Application(O.A) was filed by the applicant against the suspension order dated 8.10.2013 passed by respondent No. 5 i.e. Senior Post Master, Head Post Office, Allahabad. The applicant has further sought his reinstatement with all consequential benefits.

2. The brief facts of the case are that the applicant was appointed in place of his late father on compassionate ground on 11.6.2005 at Allahabad Kutchery, Head Post Office, Allahabad. After few years down the line, he was transferred to Jaunpur Head Post Office.

3. According to the applicant, his wife late Smt. Nidhi committed suicide on 18.9.2013. The applicant was arrested and thereafter, respondent No. 5 suspended the applicant

vide order dated 8.10.2013 in terms of sub Rule (2) of Rule 10 of Central Civil Services (Classification, Control and Appeal) Rules, 1965. This O.A. has been filed against the aforesaid suspension order.

4. Sri Praveen Shukla, learned counsel for respondents has filed short Counter Affidavit, wherein it has been made clear that now situation has now changed. The applicant was tried and Trial Court under Section 302, 498-A and 201 of Indian Penal Code (IPC) read with Section 34 of IPC awarded various sentences including a sentence of life imprisonment u/s 302 IPC along with fine. Subsequent to the conviction of applicant by Trial Court, a show cause notice was issued by the department. Applicant had submitted written explanation and after considering the written explanation of applicant, appointing authority had issued the dismissal order w.e.f. 3.10.2017. Counsel for applicant has conceded that Hon'ble High Court has not stayed the conviction of applicant though he has been enlarged on bail. The present O.A. was filed only against the suspension order. Therefore, after his dismissal from service O.A. itself has become in-fructuous. The applicant has a right to file departmental appeal. There is nothing on record to demonstrate that all alternative remedies available to the applicant have been exhausted.

5. Considering all the facts and circumstances of the case, no useful purpose will be served for keeping this O.A. pending. O.A. is not sustainable in present form and is liable to be dismissed. Therefore, O.A. is dismissed. Applicant may file departmental appeal, if so advised. No order as to costs.

**(JUSTICE BHARAT BHUSHAN)
MEMBER (J)**

HLS/-

