

**Central Administrative Tribunal
Principal Bench**

OA No.174/2012

New Delhi this the 27th day of July, 2016

**Hon'ble Mr. Justice M.S. Sullar, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Manjit Singh Bali,
Chief Postmaster General,
(Under Suspension),
West Bengal Circle,
Yogayog Bhawan,
CR Avenue,
Kolkata.

(By Advocate : Shri M.K. Bhardwaj)

...applicant

Versus

1. Union of India,
Through Secretary Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Chief Postmaster General,
Department of Post,
MP Circle,
Hoshangabad Road,
Bhopal.

...respondents

(By Advocate: Shri Rajesh Katyal)

ORDER (ORAL)

Mr. Justice M.S. Sullar, Member (J) :-

The applicant, Manjit Singh Bali, has preferred the instant Original Application (OA) challenging the impugned order dated 08.11.2011, whereby, he was suspended on account of pendency of regular departmental enquiry, under Rule 14 of CCS (CCA) Rules, 1965, with a further direction to respondents to treat him on duty for all purposes, including full pay and allowances on the various grounds mentioned therein, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

2. The respondents refuted the claim of the applicant and filed the reply stoutly denying all the allegations and grounds contained in the OA and prayed for its dismissal. Ultimately, the case was adjourned for today for arguments.

3. At the very outset, the learned counsel for respondents has contended that this OA has become infructuous, on account of retirement of applicant from service, during the pendency of the OA. It is not a matter of dispute that a departmental enquiry is pending against the applicant and he has already retired from service on 30.06.2015. Once the departmental proceedings are pending and applicant has already retired from service, then, the validity or otherwise of the impugned order of suspension, cannot be adjudicated upon at this stage, by this Tribunal.

4. Faced with the situation, learned counsel for applicant intends to withdraw the OA, to enable the applicant to take/urge all points contained in it, at the appropriate stage of challenging the impugned final order in the departmental enquiry (if any).

5. Therefore, the OA is, hereby, dismissed as withdrawn with aforesaid liberty, as prayed for.

**(V.N. Gaur)
Member (A)**

**(Justice M.S. Sullar)
Member (J)**

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