

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.86/2009

Date of Decision: 09.04.2018.

**CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)**

Shri Sarbdeep Singh Virk, IPS
Working as Managing Director,
Maharashtra Police Housing
Corporation in the rank of Director
General of Police.
R/at 404, Mumbai Police Officers
Mess, Worli, Mumbai 400 018. ... *Applicant*

*(By Advocate Shri S.V. Marne)
& Shri R.R. Shetty)*

Versus

1. Union of India,
Through the Secretary,
Ministry of Home Affairs
Govt. of India, North Block,
New Delhi 110 001.
2. The State of Maharashtra
Through the Additional Chief
Secretary (Home), Dept. of Home,
Mantralaya, Mumbai 400 032.
3. The State of Punjab
Through the Principal Secretary,
Dept. of Home Affairs & Justice,
Mini Secretariat, Sector – 9,
Chandigarh.
4. Mr. Prakash Singh Badal
Chief Minister, Punjab
Punjab Civil Secretariat,
Chandigarh.

... Respondents

(By Advocate Shri V.S. Masurkar for official -R1&2, Shri Harsimran Singh Sethi Additional Advocate General of Government of Punjab for R-3 & Shri A.A. Manwani for Private R-4.)

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for final hearing, Applicant Shri Sarbdeep Singh Virk, Former Director General of Police - State of Maharashtra appeared along with Shri S.V. Marne, learned Advocate for him.

2. Shri V.S. Masurkar, learned Advocate appeared for Respondent Nos.1 & 2.

Shri Harsimran Singh Sethi, learned Additional Advocate General State of Punjab appeared for Respondent No.3.

Shri A.A. Manwani, learned Advocate appeared for Private Respondent No.4.

3. In this OA, the Applicant has sought the following reliefs:

“8.a) This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same quash and set aside the Memorandum of charge-sheet dated 07.01.2009 and the letter dated 08.06.2008 with all consequential benefits;

8.b) Cost of the application be provided for.

8.c) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed.”

4. The record shows that the impugned charge-sheet dated 07.01.2009 has been

dropped by the State of Punjab on 18.01.2018. In view of above, nothing survives in this OA.

5. During the course of arguments, it is pointed out by learned Advocates for the parties that the issue of jurisdiction to entertain the OA was involved in this case. This Tribunal has held that it has jurisdiction to entertain the OA, whereas the Hon'ble High Court on appeal reversed the said finding. At present, the issue is pending before the Hon'ble Supreme Court in SLP filed against order of High Court on issue of jurisdiction.

6. It is obvious that on dropping of the impugned charge-sheet, nothing survives in this OA. It is stated that Hon'ble Supreme Court has granted *status-quo* order pending consideration of issue of jurisdiction of this Tribunal to proceed with the matter. The applicant does not desire to proceed with the matter in view of dropping the charge-sheet. He will however be at liberty to agitate his claim regarding consequential retiral and other benefits including interest and damages, if any, against the

respondents, if so advised.

7. In view of dropping of the impugned charge-sheet, nothing survives in this OA. The OA, therefore, stands disposed of.

8. In the peculiar facts and circumstances of the case, parties are, however, directed to bear their respective cost of this OA.

9. Registry to issue certified copy of this order to both the parties at the earliest.

(R. Vijaykumar)
Member (A)

(Arvind J. Rohee)
Member (J)

dm.