

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/511/2019

Chandigarh, this the 28th day of May, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Komal Krishan age 45 years, Ex. Dy. CIT, Group-C, Northern Railway Ambala Cantt Division (Haryana) 133001, presently working as Dy. CIT under Senior DCM, DRM office complex, Northern Railway, Lucknow (U.P.) Pin 226001.

....APPLICANT

(By Advocate: Shri Karnail Singh)

VERSUS

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi-110001.
2. Additional Divisional Railway Manager, Northern Railway, Ambala Cantt- (Haryana)Pin 133001.
3. Senior Divisional Commercial Manager, DRM office Complex, N.R. Ambala Cantt (Haryana) Pin 133001.
4. Senior Divisional Commercial Manager, DRM Office Complex Northern Railway, Lucknow 226001.
5. Additional Divisional Railway Manager, DRM office Complex, Northern Railway, Lucknow 226001.

....RESPONDENTS

(By Advocate: Shri G.S. Bal, Sr. Advocate with Mr. Rohit Sharma, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

The present Original Application (O.A.) has been filed by the applicant, seeking quashing of impugned charge-sheet dated 07.09.

2018 (Annexure A-1) on the ground that the same has been issued, by an authority which is beyond his jurisdiction.

2. After noticing the contentions on 17.5.2019, this court issued notice to respondents, which reads as under:

“ Learned counsel contends, inter-alia, that the applicant has been issued charge-sheet on 07.08.2018 by DCM Ambala Cantt, who is not the authority competent to do so and moreover the applicant, on the relevant date, was not working under the administrative control of Ambala Division as he has already been transferred to Lucknow Division, therefore, the impugned charge-sheet is liable to be quashed.

Issue notice to the respondents.

At this stage, Mr. Lakhinder Bir Singh, Advocate, appears and accepts notice on their behalf. He seeks and is granted time till 27.05.2019 to have instructions qua contention noticed herein above”

3. Today, Mr. G.S. Bal, learned Sr. Counsel appearing alongwith Mr. Rohit Sharma, Advocate on behalf of respondents has produced a copy of letter dated 10.5.2019 (taken on record) issued by Sr. Divisional Commercial Manager, N.R. Ambala Division, addressed to Sr. Divisional Commercial Manager, N.R. Lucknow Division, whereby it has been decided to withdraw the impugned charge sheet by accepting the contention raised by the applicant without prejudice to their right to initiate appropriate further action as deemed fit against the applicant. Based upon this letter the learned senior counsel submits that this O.A. has been rendered infructuous and may be disposed of as such.

4. On the other hand, Mr. Karnail Singh, learned counsel for applicant submits that in terms of letter dated 18.7.2005 (Annexure A-4) the respondents could continue with the proceedings at Ambala but they have transferred the applicant to

Lucknow, thus he submitted that this O.A. be kept alive considering the fact that the very basis of withdrawing the impugned charge sheet is only technical one.

5. On consideration of the matter, this Court, finds force in the contention of learned counsel appearing on behalf of respondents that with the withdrawal of the impugned charge sheet, this O.A. has become infructuous and is, therefore, deserves to be disposed of as such. Ordered accordingly.

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 28.05.2019

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