

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**



**O.A No. 1075/2018 In
M.A No. 3131/2019,
M.A No. 2506/2019 and
M.A No. 2649/2019**

This the 16th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Bipin Batra – Group (A)
Executive Director, NBE,
Aged 43 years,
S/o. Shri J. D. Batra
Flat No. 512, Sector-12, Pocket 8,
DDA Multistorey Flats Dwarka,
New Delhi.Applicant

(By Advocate : Mr. M. Dutta with Mr. Jalaj Agarwal)

Versus

1. National Board of Examinations,
Through President,
Mahatama Gandhi Marg,
Ansari Nagar, New Delhi.
2. Dr. Abhijat Sheth
President
National Board of Examinations,
Mahatama Gandhi Marg,
Ansari Nagar, New Delhi.Respondents

(By Advocate : Mr. Kirtiman Singh with Mr. Waize Ali Noor
for R-1 and Mr. A. P. Singh for Mr. A. K. Behera)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant was working as a Senior Executive in the National Board of Examinations-first respondent. Through an order dated 27.09.2017, the appointing authority placed



him under suspension. Thereafter, disciplinary proceedings were initiated against the applicant by issuing the memorandum of charge dated 15.02.2018. This O.A is filed challenging the order of suspension as well as the charge memo.

2. We heard Mr. M. Dutta with Mr. Jalaj Agarwal, learned counsel for applicant and Mr. Kirtiman Singh with Mr. Waize Ali Noor for R-1 and Mr. A. P. Singh for Mr. A. K. Behera, learned counsel for respondents.

3. The O.A has undergone several stages. Earlier, it was dismissed on merits on 18.03.2019 and aggrieved by that the applicant filed W.P. (C) No. 3747/2019. Hon'ble High Court of Delhi remanded the O.A through its order dated 11.04.2019. On certain occasions, it has been the subject matter of an SLP, and another Writ Petition. The applicant has also filed M.A, seeking permission to amend the pleadings of the O.A and that is under consideration.

4. A substantial development has taken place in the recent past. Through an order dated 23.08.2019, the disciplinary authority dismissed the applicant from service. Once the applicant is dismissed from service, the challenge to the charge memo or for that matter, the order of suspension becomes redundant.



5. The applicant has also filed O.A No. 3346/2019 challenging the order of dismissal. It is needless to mention that the applicant can urge all the grounds including those pertaining to the legality or otherwise of the charge memo, in the O.A, wherein he challenged the order of dismissal.

6. We, therefore, dismiss the O.A as infructuous. All the pending M.As, if any, shall also stand dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/