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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 8371 OF 2006
WITH CA/5037/2007 IN WP/8371/2006**

**UNION OF INDIA AND ANR
VERSUS
MANISH KUMAR SHANKARBHAI TURI AND ANR**

Advocate for Petitioners : Mr. Nagode D.G. For Petitioner
Advocate for Respondents : Mr.Pradeep Deshmukh for R.1.**

CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 09/08/2017

PER COURT :-

The present Petition is filed against order of the Tribunal passed in Original Application filed by the respondent against the issuance of charge sheet and the order dated 27/02/2004 that is memorandum issued by the Officer of the petitioner, rejecting the request of the applicant for change of Inquiry Officer. The Tribunal allowed the Original Application. The disciplinary authority was directed to change the Inquiry Officer and appoint Inquiry Officer other than respondent no.3 in the Original Application. It further directed to conduct denovo inquiry. The said order is passed on 16/02/2006.

2] The initial Inquiry Officer was appointed, had concluded the inquiry and pursuant to the Inquiry report submitted, disciplinary authority on 17/02/2006 passed order removing the present respondents from service.

3] This Court in the present Writ Petition had stayed the order of the Tribunal, directing denovo inquiry.

4] Mr.Deshmukh, learned counsel for the respondent states that the respondent had challenged the order dated 17/02/2006 before the Central Administrative Tribunal. The service of the respondent was protected. Subsequently the respondent retired on attaining the age of superannuation and the Central Administrative Tribunal has disposed of the Original Application filed by the present respondent, challenging the order of removal from service dated 17/02/2006 and the said order of the Tribunal is accepted by the parties.

5] In light of the above, the present Petition would only remain academic, as pursuant to the initial inquiry itself, further decisions were taken and which were also subject matter of subsequent proceedings, this Court stayed the order of Tribunal.

6] As the parties now would be governed by the subsequent

order passed by the Tribunal, wherein the order of removal from service dated 17/02/2006 was subject matter, no purpose would be served by adjudicating the present Writ Petition.

7] In light of the above, Writ Petition stands disposed of, in terms of the interim order. Rule accordingly disposed of.

8] In view of disposal of Writ Petition, Civil Application also stands disposed of.

(MANGESH S. PATIL,J.) (S.V.GANGAPURWALA,J.)

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