

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-47/2003 in
MA-369/2003
MA-2721/2002
OA-577/2002

New Delhi this the 21st day of July, 2003.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Sh. S.K. Naik, Member(A)

1. Union of India through
the Secretary,
Ministry of Health and Family
Welfare, Nirman Bhawan,
New Delhi.
2. Mr. R. Mohan Kumar,
Under Secretary (Vigilance Section),
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi. Review Applicants
(through Sh. VSR Krishna, Advocate)

Versus

Dr. M.S. Prasad,
F-156, Ashirwad Apartments,
Dilshad Colony,
Delhi-95. Respondent

(through Sh. D.S. Chaudhary, learned counsel through
proxy counsel Ms. Chaudhary)

ORDER (ORAL)
Smt. Lakshmi Swaminathan, Vice-Chairman(J)

RA-47/2003

MA-369/2003

Shri VSR Krishna, learned counsel presses
RA-47/2003. Ms. Chaudhary, learned proxy counsel for
original applicant in OA-577/2002, submits that she does
not wish to file any reply to RA because a Writ
Petition filed by the applicant on the same order is
subjudice before the Hon'ble Delhi High Court. She
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has, therefore, submitted that as the matter is pending adjudication before the Hon'ble Delhi High Court, there is no question of the Tribunal reviewing its order as prayed for by the applicants/original respondents in RA-47/2003.

2. Shri VSR Krishna, learned counsel has fairly submitted that in the light of what has been stated by the learned counsel for original applicant in OA-577/2002, ~~He submits that~~ RA-47/2003 may be placed in the sine die list, to await the decision of the Hon'ble Delhi High Court.

3. In the above facts and circumstances of the case, noting the submissions of Ms. Chaudhary, learned proxy counsel that the Tribunal's order dated 07.06.2002 in OA-577/2002 is subjudice before the Delhi High Court, we do not consider it appropriate for the Tribunal to review that very order which is ~~the~~ subject matter of RA-47/2003. In this view of the matter, RA-47/2003 is dismissed. Accordingly, MA-369/2003 is also dismissed.

MA-2721/2002

4. Learned proxy counsel for applicant has submitted that MA-2721/2002 has been filed for issuing certain directions to the respondents to implement part of the order dated 07.06.2002 i.e. to open the sealed

cover proceedings held by DPC for promotion of the applicant from the year 1997 onwards and to act accordingly. She has clarified that the applicant has not challenged this part of the order in the Writ Petitioner which is stated to be pending before the Hon'ble Delhi High Court, referred to above.

5. Shri VSR Krishna, learned counsel for respondents has submitted that MA-2721/2002 cannot also be sought to be implemented in the manner the applicant has prayed for, for the simple reason that Writ Petition is pending before the Hon'ble Delhi High Court on the order of the Tribunal dated 07.06.2002. He has, therefore, prayed that this MA may be dismissed on the same lines as RA-47/2003 has been dismissed.

6. We have considered the submissions of learned counsel for parties and the relevant documents. As per the submissions of the learned proxy counsel for applicant, she has contended that as only part of the Tribunal's order dated 07.06.2002 has been challenged in the Writ Petition pending before the Hon'ble Delhi High Court, therefore, MA-2721/2002 should be allowed. We, however, see force in the submissions of Shri VSR Krishna, learned counsel that at this stage especially when that very order of the Tribunal is subjudice before the Hon'ble High Court, it will not be appropriate for the Tribunal to pass any further directions on MA-2721/2002. The issues

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raised in the aforesaid RA-47/2003 filed by the respondents and by the applicant in MA-2721/2002 arise from the same order of the Tribunal dated 07.06.2002, which admittedly is subjudice before the Hon'ble Delhi High Court as submitted by the learned counsel for applicant.

7. In the above facts and circumstances of the case, MA-2721/2002 is dismissed for the reasons given above.

S.K. Naik
(S.K. Naik)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

/vv/