

Central Administrative Tribunal
Principal Bench

O.A. 2929/2001

New Delhi this the 25th day of October, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).
Hon'ble Shri Govindan S. Tampi, Member(A).

Shri Ajay Kumar Singh,
S/o Shri S. Chandra Prakasan,
R/o 64, Siddharth Niketan,
Sector 14, Kaushambi,
Ghaziabad-201010 (UP). ... Applicant.

(By Advocate Shri Y.K. Jain, Sr. Counsel with Shri
Hariom Yaduvanshi)

Versus

1. Union of India through
Secretary, DOT
Sanchar Bhawan,
20, Ashoka Road, New Delhi.
2. The Director General (Post & Telegraph),
Dept. of Telecommunications,
Sanchar Bhawan,
20, Ashoka Road, New Delhi.
3. Chief Managing Director,
MTNL, 12th floor, Tower-I,
Jeevan Bharti Building,
Connaught Place, New Delhi.
4. Senior D. Director General(Vigilance),
Dept. of Telecommunications,
West Block-I, Wing-2, Ground Floor,
R.K. Puram, Sector-I,
New Delhi.
5. Additional Director General-III (Vigilance)-II,
DOT, West Block-I, Wing-2,
Ground Floor, R.K. Puram,
Sector-I, New Delhi-110066.
6. Director Staff,
STG-III Section,
Sanchar Bhawan,
20, Ashoka Road, New Delhi. ... Respondents.

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

The main grievance of the applicant in the present O.A. is with regard to the initiation of the disciplinary proceedings against him by the respondents

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(3)

under Rule 14 of the CCS (CCA) Rules, 1965 by Memorandum dated 28.8.2001. Learned senior counsel has submitted that in the meantime certain investigations are also going on against the applicant by the CBI. By way of an interim relief, the applicant prays that an order may be issued to restrain the respondents from taking any premature action or any other penalty against him.

2. Having considered the relevant facts and submissions made by learned senior counsel for the applicant, the interim relief prayed for by the applicant in paragraph 9 of the O.A. is not maintainable at this stage. Further, having regard to the judgement of the Supreme Court in **Union of India Vs. Upendra Singh** (JT 1994 (1) SC 658), even the main prayer contained in Paragraph 8 of the O.A. is not maintainable, as it cannot be held that the impugned Memorandum dated 28.8.2001 is either illegal or arbitrary or contrary to the Rules. At this stage, Shri Y.K. Jain, learned senior Counsel, seeks permission to withdraw the O.A. The O.A. is dismissed as withdrawn.

(Govindan S. Tampi)
Member(A)

SRD

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