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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1009/2001

New Delhi, this the 4th day of May, 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Harinder Singh s/o Late Sh. Harwant Singh
R/o 189, Ram Nagar Extension,
Near Chandar Nagar, Delhi-51.

... Applicant

(By Advocate: Shri Pradeep Gupta)

V E R S U S

1. Union of India
Through its Secretary
Ministry of Health and Family Welfare
Nirman Bhawan,
New Delhi-110 001.

2. Indian Council of Medical Research
through its Director General
Ansari Nagar, Delhi 110006.

... Respondents

ORDER (ORAL)

By S.A.T. Rizvi, Member (A):

Heard the learned counsel for the applicant.

2. The application has been filed on a ground which has not come into existence. It is stated that the ICMR, Respondent No.2 herein, are trying to pass an order of termination verbally. The grievance is, therefore, based on an apprehension and on nothing else. I also find that the applicant has approached the Hon'ble High Court of Delhi seeking redressal essentially of the same grievance and has been favoured with a stay order on 28.3.2000 (Annexure A-10). At the same time the Writ Petition is listed for 24.7.2001. It is true that after the deletion of the ICMR and the Ministry of Health and Family Welfare as respondents in the Writ Petition, the same is now directed only against

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the MCD through its Medical Superintendent (Kasturba Hospital), but since the remedy sought is the same as has been sought in the present OA, entertaining this OA will amount to trying to adjudicate on a matter which is already pending in the High Court. The applicant cannot be allowed to agitate one and the same matter in two different forums.

3. I have also seen the relief clause finding place in the OA. The applicant wants an order restraining the respondents from terminating the services of the applicant. As stated, he has already been favoured with a stay order by the High Court on 28.3.2000 and, therefore, formulation of the related relief in this manner is bad. The other relief formulated tends to confuse the issues. In view of this also I find that the present OA suffers from legal infirmity and, in the circumstances, deserves to be rejected in limini. The present OA is, accordingly summarily dismissed. No costs.

4. Registry is directed to send a copy of this OA alongwith this order.



(S.A.T. Rizvi)
MEMBER (A)

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