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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.2447/1999

New Delhi this the 17th day of November, 1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

B. D. Prasad S/O Lal Prasad,  
R/O Block No.50 Flat No. 2-B,  
Type III, Sector II,  
K.B.Marg, New Delhi.

... Applicant

( By Shri George Paracken, Advocate )

-Versus-

1. Union of India through  
Secretary, Ministry of Information  
& Broadcasting, Shastri Bhawan,  
New Delhi.

2. Director, Publications Division.  
Patiala House, New Delhi.

3. Shri V.S.Rawat S/O T.S.Rawat,  
R/O 58-3C, Type III, Sector II,  
DIZ Area, K.B.Marg,  
New Delhi.


4. Shri P.N.Bulkunde,  
Asstt. Business Manager,  
Publications Division,  
Feeder Store INH-IV,  
CGO Complex, Faridabad,  
Haryana.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

An office memorandum dated 26th October, 1999 is  
impugned in the present application. The relevant  
averments in the said memorandum recite as under :



"Before, however, taking action to  
rectify the omission etc., where necessary  
it has been decided to give an opportunity  
to Sh. B.D. Prasad, Asstt. Business  
Manager, to enable him to furnish  
clarification, if any, in support of his  
appointment in preference to Sh. Rawat as  
Business Executive and subsequently to the  
post of Asstt. Business Manager by  
promotion which have been questioned by Sh.

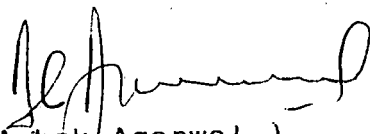
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V.S. Rawat. He must submit such clarification, duly supported by documentary evidence, so as to reach the undersigned latest by 10.11.1999. In case he fails to do so it will be presumed that he has nothing to say in the matter and the Division will take necessary corrective action for presenting the correct position before the Hon'ble Tribunal."

2. Aforesaid averments make it clear that the present O.A. has been filed at the stage of a notice calling upon the applicant to furnish his clarification. Applicant has not yet submitted his clarification but has hastened to approach the Tribunal. Present application, in our view, is filed at a premature stage. The same in terms of Section 20 of the Administrative Tribunals Act, 1985 cannot be admitted. Moreover, Shri V.S. Rawat has filed O.A. No.962/99. It will always be open to applicant to have himself impleaded in the said O.A. Further, in case an adverse order is passed after the applicant submits his clarification, it will be open to him to impugne the same.

3. Present application, in the circumstances, is dismissed. Applicant will be at liberty to make all the prayers which have been made in the present O.A. when he chooses to file an O.A. against the order that may be passed after the submission of his clarification.

  
( Ashok Agarwal )  
Chairman

  
( R. K. Ahuja )  
Member (A)