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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA.No.193 of 1999

in

MA.No.1403 of 1999

in

OA No.2291 of 1998

New Delhi, this 6th day of March, 2000

Hon'ble Shri Justice V. Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

Gopal Krishan Tank
S/o Shri Sadhu Ram Tank
R/o J-1/222, DDA Flats Kalkaji
New Delhi. .. Applicant

(By Applicant in person)

versus

Union of India, through

1. The Secretary
Ministry of Communications
Dept. of Telecom-cum-Chairman
Telecom Commission
20 Ashoka Road, Sanchar Bhawan
New Delhi-1.
2. Sh. V.K. Malhan
Superintending Engineer (HQ)
Dept. of Telecom, O/o CFCC
Telecom Civil Zone, SCO 50-51
Sector 34-A, Chandigarh.
3. Shri. K.K. Kulshrestha
Inquiry Officer & Assistant
Director General (DI), Deptt. of Telecom
West Block-1, Wing No.2, R.K.Puram
New Delhi. .. Respondents

(By Advocate:Shri D.S. Jagotra)

ORDER(oral)

By Reddy, J. -

This RA is filed seeking review of the order in MA.No.1403/1999 dated 13.8.1999. It is the contention of the applicant, who argues in person, that once the OA is admitted, no proceedings could be taken by the respondents in connection with the subject matter of the OA.

V.R.R.

2. We do not see any substance in the above contention of the applicant. In the OA the applicant has impugned the charge sheet which had been issued to him during the departmental proceedings. The MA was filed seeking to stay the enquiry that is sought to be taken by the respondents. By the order dated 13.8.1998 the MA was dismissed on the ground that it was permissible for the respondents to proceed with the enquiry on the ground that there was no stay in the OA and that the interim relief prayed by the applicant had not been granted in the OA. It is now contended by the applicant that Sub Section 4 of Section 19 of the CAT(Procedure)Rules, 1987 precludes the respondents to take any action once the OA is admitted. Sub Section 4 of Section 19 of CAT (Procedure)Rules, 1987 reads as under:

"When an application has been admitted by a Tribunal under sub-section (3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject-matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules."

3. This provision only says that once the OA is admitted every proceeding under the relevant service rules as to redressal of grievance in relation to subject matter of such application pending before admission of the OA should abate and after the admission no appeal or representation in relation to the matter involved

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in the OA should be entertained under the rules. This provision, therefore, has no application if the respondents wants to proceed with the enquiry and complete the same. In the circumstances, we do not find any merit in the RA. The RA, is therefore, dismissed.

Shanta Shastray

(Shanta Shastray)
Member(A)

V. Rajagopal Reddy

Vice Chairman(J)

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