

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH.

O.A. NO. 2181/95

New Delhi this the 21st day of November, 1995.

Hon'ble Shri N.V. Krishnan, Acting Chairman.

Hon'ble Shri D.C. Verma, Member(J).

Dinesh Kumar Chabba,
S/o Shri S.K. Chabba,
R/o Qr. No. 916, Sec.IV,
R.K. Puram,
New Delhi.

...Applicant.

By Advocate Shri D.C. Vohra.

Versus

1. Union of India through
The Secretary,
Union Public Service Commission,
Dholpur House, Shahjahanpur Road,
New Delhi.

2. Deputy Secretary (Admn.),
Union Public Service Commission,
Dholpur House,
Shahjahanpur Road,
New Delhi.

...Respondents.

ORDER (ORAL)

Hon'ble Shri N.V. Krishnan, Acting Chairman.

We have heard the learned counsel. The applicant challenges the Annexure A-1 order dated 11.10.1994, the Annexure A-19 order dated 15.5.1995 and the Annexure A-21 order dated 11.7.1995.

2. By the order dated 11.10.1994 (Annexure A-1), the applicant's representation regarding revocation of suspension order and initiation of disciplinary proceedings by the Deputy Secretary (Administration), has been rejected by the Secretary, UPSC, the first respondent, who has directed the disciplinary authority

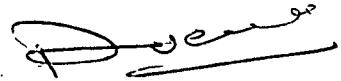
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to complete the inquiry and finalise the proceedings expeditiously. By the Annexure A/19 order dated 15.5.1995, the first respondent again rejected the similar representations on the ground that these have already been disposed of by the Annexure A-1 order. By the Annexure A-21 order dated 11.7.95, the second respondent has rejected one more representation of the applicant and has found no scope for reviewing his earlier order dated 15.5.95.

3. The learned counsel for the applicant submitted that the main grievance of the applicant is that the second respondent, a Deputy Secretary in the UPSC, cannot function as the applicant's disciplinary authority because he has been appointed by the Joint Secretary in the UPSC. It is in this connection that the impugned orders are sought to be quashed and a direction sought to the first respondent to appoint any authority other than the second respondent as inquiring authority and to treat the Joint Secretary as the disciplinary authority.

4. We have heard the learned counsel. We are *prima facie* of the view that these matters cannot be agitated before the Tribunal at this stage. The applicant has already sought directions from Respondent No. 1 and his representations have been rejected. It is only after the disciplinary proceedings are over that the applicant can challenge them before this Tribunal in accordance with the law if he is aggrieved by the orders passed therein. We

also note in passing that the disciplinary authority need not always be the appointing authority though we do not wish to pursue this difference any further at this stage. In the circumstance, we dismiss this application at the admission stage preserving the liberty of the applicant to challenge all the impugned orders in appropriate proceedings after the disciplinary proceedings are finalised.



(D.C. VERMA)
MEMBER(J)



(N.V. KRISHNAN)
ACTING CHAIRMAN

'SRD'