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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 957/95

New Delhi: this the 10th day of October, 2000.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri P. M. Jhangiani,
CSIR,
Anusandhan Bhawan,
Rafi Marg,
New Delhi

.....Applicant.

(By Advocate: Shri P. M. Ahlawat)

Versus

1. Council of Scientific & Industrial Research,
through

Joint Secretary (Admn),
Anusandhan Bhawan,
New Delhi.

2. Dalip Kumar,
Joint Secretary (Admn),
CSIR,
Anusandhan Bhawan,,
Rafi Marg,
New Delhi.

3. Deputy Secretary (CO)
Council of Scientific & Industrial Research,
Anusandhan Bhawan,
Rafi Marg,
New Delhi

.....Respondents.

(By Advocate: ^{Smt.} K. Iyer)

ORDER

Mr. S. R. Adige, VC(A):

Applicant impugns Memo dated 21.9.91
(Annexure-P 1) initiating disciplinary proceedings
against him. He challenges the inquiry report dated
14.7.94 (Annexure P-5) and the disciplinary authority's
order dated 2.2.95 (Annexure P-6). He also prays
for quashing of OM dated 21.4.95 (Annexure-P-7) and
also for quashing of his ACR for the year ending
31.3.90. He also seeks a direction to respondents
not to withhold his pay and allowances without due

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process of law.

2. Heard both sides.

3. At the outset we note that applicant's prayer for quashing his ACR for the year ending 31.3.90 and his other reliefs are not consequential to each other and do not stem from a single cause of action. Under the circumstance, the OA is hit by Rule 10 CAT (Procedure) Rules.

4. A perusal of respondents' reply to para 5.N of the OA reveals that applicant filed this OA on 9.5.95 without waiting for the disposal of his appeal petition dated 17.2.95 made to the DG, CSIR.

5. This assertion has not been denied by applicant in his rejoinder.

6. We have not been made aware whether the aforesaid appeal petition has been disposed of and in event the appeal has been disposed of, applicant has not amended the OA to impugn the appellate order, nor made any prayer to be allowed to do so.

7. The OA is therefore clearly premature at this stage and is disposed of with a direction to respondents that in case applicant's appeal dated 17.2.95 has not been disposed of as yet, the same should be disposed of by a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicant within 3 months from the date of receipt of a copy of this order. In the event the aforesaid appeal dated 17.2.95 has been disposed of, applicant is given liberty to impugn the aforesaid appellate

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order through appropriate original proceedings in accordance with law, if so advised.

8. The OA is disposed of in terms of para 7 above. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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