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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

DA-2656/96

This the 26th day of December, 1996.

HON'BLE SHRI S.P. BISWAS, MEMBER (A).

Asha Yadav
D/o Shri Jaswant Singh
R/o Q No. C-3, P.S. Mehrauli,
New Delhi-31.

..... Applicant

(By Advocate Shri Shanker Raju)

Versus

1. Union of India, through
The Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Commissioner of Police,
P.H.Q. M.S.O. Building,
New Delhi.

3. Dy. Commissioner of Police,
Traffic, P.H.Q.,
M.S.O. Building,
New Delhi.

..... Respondents.

(None for the respondents)

ORDER (Oral)

By Hon'ble Shri S.P. Biswas, Member (A).

The applicant is seeking interim relief in terms of "stay the operation of termination order at Ann. A-1 and direct the respondents not to relieve the applicant from the department subject to decision in the O.A." The said A-1 order has not yet been served upon the applicant. In other words, the cause of action has not arisen so far. The counsel for the applicant, however, submitted that the orders are in the pipeline and is likely to be served any time upon

the applicant. He also argued that the applicant is seeking the aforesaid interim relief on the basis of a decision of this Tribunal in OA-2508/96 decided on 5.12.96. Since the two cases are identical in terms of facts, issues of law and relief prayed for, the counsel argued that the applicant herein namely Ms. Asha Yadav deserves to be favoured with the same relief as granted the aforesaid OA i.e. 2508/96.

2. We called for the above OA and perused the records therein vis-avis the details as in the present OA. The applicant in OA-2508/96 was terminated from services by an order dated 28.11.96 and from 29.11.96 she was not allowed to continue her training. In other words, the order of termination was made operative in the case of the applicant in OA-2508/96. It was not in dispute that the applicant herein still is continuing to receive the training and that the order of termination dated 24.12.96 has not yet been served. The facts of the present case therefore, differ. I find that the applicant wants to achieve equity on the basis of a comparative status of facts whereas the facts given in the instant case differ in respect of a very vital event.

3. That apart, the Tribunal cannot act in a vacuum, preempt an inconvenient situation for a Govt. employee and provide interim relief accordingly without there being a justifiable cause of action established on facts and records. The application is pre-mature and is dismissed accordingly.

4. The counsel for the applicant then submitted that the applicant should be given the liberty to approach the Tribunal as and when the order of termination is served upon the applicant. The

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applicant will be at liberty to agitate the issue raised herein, if he so advised, at the appropriate forum and time.

The application is disposed of accordingly at the admission stage.

S. P. Biswas
(S. P. BISWAS)
MEMBER (A)

RB