

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No. 396/94
M.A.No. 322/94

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New Delhi this the 8th Day of March, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Sh. Ashok Kumar Jha II,
S/o Sh. G.S. Jha,
C/o Sh. L.C. Jha,
H.No. 240, Sector-8,
R.K. Puram, New Delhi.
2. Sh. Ranjeet Kumar Mishra,
S/o Sh. Chander Mohan Mishra,
C/o Sh. L.C. Jha,
H.No. 240, Sector-8,
R.K. Puram, New Delhi.
3. Sh. Amar Nath Jha,
S/o Sh. Babu Jha,
H.No. 240, Sector-8,
R.K. Puram, New Delhi.
4. Sh. Shiv Kumar Jha,
S/o Sh. S.N. Jha,
H.No. 240, Sector-8,
R.K. Puram, New Delhi.
5. Sh. Nirbhey Shankar Jha,
S/o late Sh. Shree Rami Jha,
C/o Sh. L.C. Jha,
H.No. 240, Sector-8,
R.K. Puram, New Delhi.
6. Sh. Prabhash Kumar Jha,
Sh. V. Mishra,
C/o Sh. L.C. Jha,
H.No. 240, Sector-8,
R.K. Puram, New Delhi.

Applicants

(By advocate Sh. Anis Suhrawardy)

versus

1. Union of India,
through its Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
"A" Wing,
New Delhi.
2. The Director,
Publications Division,
Patiala House,
Tilak Marg, New Delhi.

3. General Manager-cum-Chief Editor,
Employment News,
R.K. Puram,
East Block IV,
New Delhi-110 066.

Respondents

ORDER (oral)
delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.

By memorandum dated 19.1.1994 the applicants have been called upon to give an explanation as to why appropriate action should not be taken against them for having made serious allegations of bribery etc. against higher officers in O.A.No.1480/93. This memorandum is being impugned in the present application.

The applicants are really seeking a writ in the nature of prohibition. The argument advanced in support of this application is that the alleged misconduct having been committed by the applicants during the course of judicial proceedings, the respondents have no jurisdiction to take any disciplinary action on the basis of those allegations. We find that the applicants have already submitted their explanation. The explanation has yet to be considered and final order passed thereon. This application, therefore, appears to be a pre-mature one.

It goes without saying that if ultimately an order adverse to the applicants is passed, it will be open to them to come to this Tribunal again and challenge the legality of the order, if passed, on all the possible grounds available to them.

This application is rejected summarily.

B.N. Dhaon
(B.N. DHAONDIYAL)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN