

Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-1108/89

Date: 10-3-89

Shri Ved Prakash Kohli Applicant

Versus

Union of India & Ors. Respondents

For the Applicant In person

For the Respondents Shri Inderjeet Sharma,
Advocate.

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri P.C. Jain, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*

(Judgement of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice-Chairman)

We have heard the applicant in person and the learned counsel for the respondents on the question of admission of this application. The reliefs sought in the application are as follows:-

- (i) to set aside the order dated 28.12.1988 whereby the applicant was placed under suspension in contemplation of disciplinary proceedings against him (Annexure A/1 to the application);
- (ii) to set aside the memorandum issued to him on 9.1.1989 whereby it was proposed to hold an inquiry against him under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 (Annexure A/2 to the application);
- (iii) to quash the orders dated 9.1.1989 whereby the Inquiry Officer and the Presenting Officer

(3)

were appointed (Annexures A/3 and A/4 to the application);

(iv) to direct respondent No.4 to fix his pay pursuant to his representation dated 16.1.1989; and

(v) to direct respondents 4 and 5 to process his application dated 1.7.1986 for voluntary retirement (Annexure A15 to the application).

2. The applicant contended that the Chief Personnel Officer is not his Appointing Authority and Disciplinary Authority, and that the entire proceedings are vitiated. The learned counsel of the respondents denied the above contention. We do not think it appropriate to go into the merits of the rival contentions at this stage. Admittedly, the disciplinary proceedings which have been commenced, have not concluded. No final orders have been passed by the Disciplinary Authority. After the final orders are passed by the Disciplinary Authority, the applicant will have opportunity to prefer appeal to the Appellate Authority and revision petition to the Revision Authority in accordance with the rules. The applicant has, therefore, filed this application prematurely.

3. The other reliefs sought by him are in regard to payment of arrears of salary and his voluntary retirement. In our opinion, these reliefs cannot be claimed in the present application in view of the provisions of Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987. In case the applicant wants to pursue these claims, he will be at liberty to file separate applications in

Or

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the Tribunal in accordance with law, if so advised.

4. We also do not see any justification to interfere with the order of suspension passed by the respondents during the conduct of the inquiry. The applicant stated that his subsistence allowance has been reduced by 50%. The learned counsel for the respondents, however, drew our attention to a letter dated 9.8.1989 addressed to him whereby he has been informed that the Disciplinary Authority has reviewed his case and that it has been decided that his subsistence allowance be restored to 50 per cent as allowed at the time of initial suspension with immediate effect.

5. In view of the foregoing, we are of the opinion that this application is not maintainable and the same is rejected at the admission stage itself.

6. Parties to bear their own costs.

(Signature)
(P.C. Jain)
Administrative Member

(Signature)
(P.K. Kartha)
Vice-Chairman(Jud1.)