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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

* * *

Date of Decision: 22.04.93

OA 1650/90.

SHRI KHILARI RAM

... APPLICANT.

Vs.

LT. GOVERNOR OF DELHI & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN.

HON'BLE SHRI S.R. ADIGE, MEMBER, (A).

For the Applicant

... SHRI S.S. TIWARI.

For the Respondents

... Ms. VEENA KALRA,
proxy counsel for
Mrs. Avnish Ahlawat

J U D G E M E N T (ORAL)

(DELIVERED BY HON. MR. JUSTICE S.K. DHAON, VICE CHAIRMAN)

Disciplinary proceedings had been initiated against the petitioner. An Enquiry Officer had been appointed. He had submitted his report to the Disciplinary Authority. The petitioner has filed a copy of the Enquiry Officer's report. A show cause notice was issued by the competent authority asking the petitioner to explain as to why the order of punishment should not be passed. At that stage, he approached this Tribunal by means of this application praying that;

"(a) Quash the enquiry proceedings as the enquiry prima facie is vitiated wherein the medical certificate stating the clinical name of Jaundice i.e. Hepatitis has not been taken into consideration and a copy of the same enquiry report dated 8.7.90 is already annexed as Annexure-A to this application and, secondly,

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(b) the enquiry having been vitiated the show cause notice for dismissal will also have to be quashed which is annexed as Annexure-B."

The interim order passed is that the respondents are directed not to take any action pursuant to the impugned notice dated 24.7.90 which is annexed as Annexure-F to the application.

It is stated at the Bar that the petitioner was subjected to another disciplinary proceedings and in those proceedings, an order of punishment has been passed. The services of the petitioner have been terminated.

In our opinion, the petitioner should have waited for a final order. We are, therefore, not inclined to interfere at this stage. If an order adverse to the petitioner is passed, it will be open to him to challenge the legality of the same in an appropriate forum and making before it, all possible grievances which are available under the law, ^{including the} ~~quoting~~ grievances contained in this application.

If the petitioner has not given a reply to the show cause notice, he is permitted to do so now within a period of two weeks from the date of receipt of a certified copy of this order. The Punishing Authority shall consider the case of the petitioner on merits and in accordance with law keeping in view the explanation of the petitioner. If some other order of punishment has been passed against the

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petitioner in some other disciplinary proceedings, the Punishing Authority shall also take that fact into account while passing the final order.

We are not concerned with the order of punishment passed in some other disciplinary proceedings. It will be open to the petitioner to challenge the legality of the same in an appropriate forum.

With these observations, this petition is dismissed but without any order as to costs. Interim order already passed is vacated.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)
22.04.93

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
22.04.93