IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

(40)

O.A.2467/91

This the 6th day of February,1997.

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

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

Sh.Dinesh Kumar Chabba
S/o Late Sh. S.K.Chabba
R/o Sector 4/916, R.K. Puram,
New Delhi. .... Applicant.

(By Advocate Shri D.C.Vohra who appeared later)

Versus

1. Union of India through the Secretary,
Union Public Service Commission
Dholpur House,
New Delhi-110001.

2. The Deputy Secretary(Admn.)
Union Public Service Commission
Dholpur House,
New Delhi-110011.

3. Shri B.D. Sharma
Under Secretary
Union Public Service Commission
Dholpur House,
New Delhi-110011. .... Respondents.

(By Advocate Mrs. B.Rana)

ORDER(Oral)

By Hon'ble Shri S.R. Adige,Member(A).

1. Applicant seeks quashing of the respondents order dated 1.6.90 remitting to the departmental proceedings to same/newly appointed enquiry authority for an intermediate stage of evidence, and also for quashing the memo/charge sheet dated 26.2.87 and show cause order dated 4.1.90. A prayer has also been made to quash suspension orders and to direct the respondents to allow the applicant to resume his duty forthwith.

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2. Respondents counsel has informed us that subsequent to the OA being filed, the Disciplinary Authority conducted the enquiry himself and upon completion of the enquiry, a copy of the enquiry report has been furnished to the applicant on 4.2.97 who has been granted 2 weeks time to file his representation if any against the same.

3. In a catena of judgement, the Hon'ble Supreme Court has strongly deprecated the practice of Courts/ Tribunal interdicting departmental proceedings at an interlocutary stage and in the present case we note that the applicant has been afforded the opportunity of showing cause against the findings contained in the enquiry report. Remedies are therefore available to him to voice his greivances in regard to the conduct of the departmental proceedings and applicant must exhaust those statutory remedies in the first instance before approaching the Tribunal.

4. Under the circumstances no grounds have been made out to warrant judicial interference in the OA at this stage. If after exhausting the departmental remedies available to the applicant, any grievance still survives, it will be open to the applicant to agitate the same through appropriate original proceedings in accordance with law if so advised.

5. The O.A. is accordingly disposed of. No costs.

(DR.A.VEDAVALLI)
MEMBER(J)

(S.R. ADIGE)
MEMBER(A)

RB.