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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO. 2473/91

DECIDED ON : 19.04.1993

K. C. BRAHAMACHARY

...

APPLICANT

VS.

**CHIEF SECRETARY, DELHI
ADMINISTRATION & ORS.**

...

RESPONDENTS

CORAM :

**THE HON'BLE MR. I. K. RASGOTRA, MEMBER (A)
THE HON'BLE MR. J. P. SHARMA, MEMBER (J)**

**Shri V. T. Kaul, Counsel for the Applicant
Shri D. N. Goburdhun, Counsel for the Respondents**

J U D G M E N T (ORAL)

Hon'ble Shri I. K. Rasgotra, Member (A) :-

The applicant in this case was working as Assistant Sales Tax Officer. He was given a charge memo. An inquiry has been held and a show cause notice was issued to him on 30.1.1991. He gave a reply to the show cause notice raising various issues including the competency of the officer who issued the show cause notice. The disciplinary authority has yet to pass its order on the findings of the inquiry officer, after taking into consideration the representation filed by the applicant. Thereafter he will have the remedy of filing an appeal, if he is aggrieved by the order of disciplinary authority. The application, therefore, at present is pre-mature. The ex parte interim order was granted to the applicant on 25.10.1991 by which the respondents were directed not to proceed on the memorandum dated 30.1.1991. Learned counsel for the

respondents referred us to the decision of the Supreme Court in the case of A. K. Dhawan and submitted that the ex parte interim order granted to the petitioner should be vacated so that the respondents can complete the disciplinary proceedings. Keeping in view the above, the ex parte interim order passed on 25.10.1991 and continued thereafter, is hereby vacated. List for final hearing in its turn.

2. At this stage, the learned counsel for the applicant submitted that he would like to withdraw the application. The prayer is allowed and the OA is dismissed as withdrawn. The applicant shall, ^{however} be at liberty to agitate the matter, if so advised, in accordance with law.

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Sharma
(J. P. Sharma)
Member (J)

Rasgotra
(I. K. Rasgotra)
Member (A)