

Central Administrative Tribunal
Principal Bench: New Delhi

...

OA No.2175/92

New Delhi, this the 30th day of July, ,1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K.Muthukumar, Member (A)

Mahabir singh,
s/o Sh. J.K. Singh,
R/o G-9, Type V, New Police Lines,
Kingsway Camp,
Delhi.

.....Applicant

(By Advocate: Shri Shankar Raju)

-Versus-

Union of India through
Secretary,
Ministry of Home Affairs,
North-Block,
New Delhi.

Delhi Administration through
Chief Secretary,
5, Alipur Road,
Delhi.

....Respondents

(By Advocate:Ms Geeta Luthra but not present)

O R D E R (ORAL)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

This OA has been pending in this court since 1992 wherein the only relief sought is a declaration that the appointment of a Committee at the instance of the respondents by an order dated 23.2.1987 is illegal, unconstitutional and ultra-vires and the same may be quashed.

On persual of the record, we find that this order appointing such Committee has not been passed under any express provision of law. It is a general order and we find it is, prima-facie, a purely

administrative action, and in the absence of any allegation of malafide or any other such ground we are not inclined to interfere.



It is also a fact that the Committee which is purported to have been appointed under the said Notification has already been appointed and thereafter an inquiry was held and the report submitted and on the basis of the report a quite number of judicial orders have been passed by this court as well as by some other superior courts. By granting relief to the petitioner, we are afraid it may have an effect of nullifying those judicial orders by one stroke which we are afraid, we neither have the competence nor have the jurisdiction. We would grant liberty to the petitioner to re-agitate the matter in an appropriate stage as and when cause of action arises in accordance with the Rules.

In view of the facts and circumstances of the case, we dismiss this OA with no order as to costs.

(K. Muthukumar)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)