

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

O.A.2994/92

Date of decision: 3.2.93

Jeewat Ram

.. Applicant.

versus

Union of India

& others. .. Respondents.

Sh.K.C.Mittal .. Counsel for the applicant.

Mrs.Meera Chibber .. Counsel for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J)

The Hon'ble Sh.I.P.Gupta, Member(A)

JUDGEMENT (ORAL)

Both the counsels are finally heard.

Ad-interim order was passed by this Tribunal directing the respondents not to proceed with the departmental enquiry against the applicant. Learned counsel for the applicant drew our attention to the English translation of the chargesheet filed by Police Station, Seemapuri against the applicant for having committed an offence punishable under Section

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304/342/323/34 of the Indian Penal Code on the intervening night of 14/15.11.91. The learned counsel for the applicant drew our attention to annexure A-3. On perusal of the same it appears that it is only a preliminary enquiry for determining a *prima facie* case against the applicant for proceeding against him in departmental enquiry. The learned ^{on} counsel for the respondents also candidly came out with the question of the fact as to whether memorandum of charges has been served upon the applicant. She says that no memorandum of charges have yet been filed against the applicant. In such a situation the O.A. appears to be pre-mature. However, the applicant may always challenge the memorandum of charges, if it is served upon him for proceeding with the departmental enquiry. As the O.A. is premature, we dismiss it as premature and the ad-interim order passed earlier is vacated. However, the applicant will be at liberty to invoke the jurisdiction of this Tribunal whenever the cause of action arises in his favour.

I.P.Gupta
(I.P.Gupta)
Member (A)

Ram Pal Singh
(Ram Pal Singh)
Vice Chairman (J)