

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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O.A. NO.348/93

DATE OF DECISION :

18.2.93

Smt. Sushma Khurana
Vs.

...Applicant

Delhi Administration & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri S.R. Aidge, Member (A)

For the Applicant

...Shri M.A. Hussain

For the Respondents

...None

1. Whether Reporters of local papers may be allowed to see the Judgement? *W*
2. To be referred to the Reporter or not? *CK*

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant is working as Lecturer (Electronics), Women's Polytechnic, Maharani Bagh, New Delhi, and in this application has assailed the show cause notice dt.9.10.1992 (Annexure P1) issued by respondent No.2, Joint Director, Training and Technical Education, Directorate of Technical Education, New Delhi. The applicant has claimed the relief to quash the said show cause notice with any other direction which the Tribunal may deem fit and necessary in the circumstances of the case. As an interim relief, the applicant has claimed for the stay of the interim order.

2. We have heard the learned counsel for the applicant on the point of admission. In fact the impugned notice

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issued to the applicant is only to show cause as to why the benefit of promotion to the post of Junior Lecturer extended to her should not be withdrawn. The reasons thereof are given in the said notice. The applicant was asked to file the reply within two weeks and the applicant himself has filed the reply to the show cause notice dt. 22.10.1992 (Annexure P7). The application, therefore, is premature and does not make out a prima-facie case for admission. The show cause notice mentions the fact that promotion to the applicant was given under Luthra Committee recommendations but before that, the implementation of Madan Committee recommendations had already come into effect and the post of Junior Lecturer has already been abolished under the revised pattern of Madan Committee recommendations vide order dt. 13.7.1988. The notice further states that the Recruitment Rules were notified on 29.9.1988, but the benefit of promotion has been extended w.e.f. 4.6.1977. Thus the applicant has been asked to explain certain facts. In fact the present application has been filed on 11.2.1993 when the applicant has already filed a reply to the show cause notice. The effect of show cause notice has ceased the moment the reply has been filed. In view of the above facts, the present application does not make out a case for consideration at this stage. The

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applicant shall be free to assail any final order which is passed ultimately of her reply to the show cause notice dt.22.10.1992 (Annexure P7). In fact, the show cause notice does not amount to an order within the purview of Section 1 of the Administrative Tribunals Act, 1985.

3. From another angle also, the applicant has sought quashing of the aforesaid notice dt.9.10.1992, while the applicant has already filed the reply in compliance of that notice. Thus the relief prayed for has already become infructuous.

4. In view of the above facts and circumstances, the present application is dismissed as not maintainable with the liberty to the applicant to approach again if she is still aggrieved by any order passed on the reply to the show cause notice already furnished by her.

The OA is disposed of accordingly at the admission stage itself.

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(S.R. ADIGE)
MEMBER (A)

J. Sharma
18.2.93
(J.P. SHARMA)
MEMBER (J)