

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.268/1995

MONDAY, THIS THE 29TH DAY OF APRIL, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER(A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER(J)

Baljeet Singh,
S/o late Shri Tek Chandra,
aged about 44 years,
R/o Village Nidampur,
Post Office Sikandarabad,
District Bulandshahar.
Presently posted as Asst. Security Officer,
in the Noida Export Processing Zone,
Phase II, Noida,
District Ghaziabad. ... Applicant

(By Advocate Shri V.N. Dhawalikar - Absent)

Versus

1. Union of India, through
Secretary,
Ministry of Commerce,
Udyog Bhavan, New Delhi.
2. Development Commissioner,
Noida Export Processing Zone,
Dist. Ghaziabad, Noida, U.P.
3. Deputy Development Commissioner,
Noida Export Processing Zone,
Dist. Ghaziabad, Noida, U.P.
4. Administrative Officer,
Noida Export Processing Zone,
Dist. Ghaziabad, Noida, U.P.
5. Security Officer,
Noida Export Processing Zone,
Dist. Ghaziabad, Noida, U.P. .. Respondents

(By Advocate Shri S. Chaturvedi)

ORDER

Hon'ble Mr. C.S. Chadha, Member (A):

The applicant, vide this O.A. has sought the quashing
of the notice served on him vide Annexure-5, dated 23.3.95.

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2. A perusal of the impugned notice merely states that "In view of the above provisions, the matter has been examined in consultation with the Ministry of Commerce and it has been decided to keep the reserved post of ASO vacant for the time being till an eligible SC candidate is available."

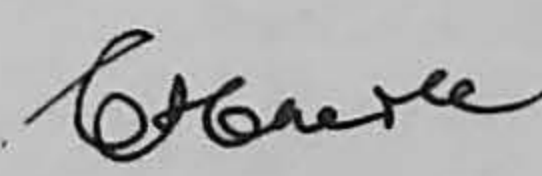
3. Accordingly, Shri Balljeet Singh who has been promoted against the reserved vacancy and who is the juniormost ASO, ~~that he~~ is hereby given notice that it is proposed to revert him back to his original grade of HSG on the expiry of 10 days from the date of issue of this memorandum."

4. It is evident that this notice was not a final order. The applicant had an opportunity to represent against the proposed action which he did not avail of. Even if it is presumed that after availing of the opportunity, an order adverse to his interests was passed, he still had an opportunity to represent to the higher authorities and on not getting any relief, he could have approached this Tribunal.

5. We find that this O.A. is pre-mature, because it is not against any final order. In view of the O.A. being pre-mature, we need not discuss the merits of the case which also prima-facie appear to be against the applicant.

6. In the circumstances mentioned above, the applicant is not eligible for any relief. The O.A. is therefore dismissed. No order as to costs.


MEMBER (J)


MEMBER (A)

psp.