

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

OA NO.1029/2000

THIS THE 5TH DAY OF FEBRUARY, 2001.

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN

Brijendra
S/o Late Shri M.D.Yadav
R/o 22 Govind Nagar
Agra.

...Applicant

(By Shri Sautmitra Singh, Advocate
and Shri S.K.Mishra, proxy for Shri Sudhir
Agarwal, Advocate)

vs.

1. Union of India through
Secretary
Department of Personnel & Training
Central Sectt.
North Block
New Delhi.
2. State of U.P. through
Chief Secretary
Lucknow.

...Respondents

(Shri P.M.N.Singh, Addl.Advocate General,
Shri R.C.Joshi, Sr.Standing Counsel and
S/Shri V. Sinha and K.P.Singh, Advocates)

ORDER (ORAL)

JUSTICE ASHOK AGARWAL:

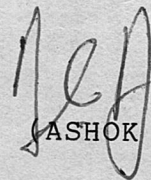
I have heard Shri Saumitra Singh, the learned advocate for the applicant and Shri P.M.N.Singh, the learned Additional Advocate General, Shri R.C.Joshi, the learned Senior Standing Counsel and S/Shri V.Sinha and K.P.Singh, Advocates appearing on behalf of the respondents. Prayer made by Shri S.K.Mishra, proxy for Shri Sudhir Agarwal, the learned counsel for the applicant for adjournment is rejected.

2. Present application seeks to impugn vigilance enquiry reports dated 18.6.1998, 2.6.2000 and 6.6.2000. A prayer is made to stay an order of suspension which may be issued in pursuance of the aforesaid reports.

3. It is undisputed that no order of suspension has so far been issued. All that is likely to ensue in _____

pursuance of the aforesaid reports is lodging of a prosecution against the applicant. Present application, in the circumstances, I find does not contain a cause of action under service law at least at the present stage. The same is accordingly disposed of by granting liberty to the applicant to once again approach this Tribunal in case an order of suspension is issued against him or any other cause of action pertaining to a service matter arises. Till such time that an order of suspension is issued and/or disciplinary proceedings are initiated, no cause of action can arise. Present application is accordingly disposed of with liberty. Interim order earlier passed is vacated. No order as to costs.

3. Issue dasti.



(ASHOK AGARWAL)
CHAIRMAN

/sns/