

(E)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

MA/9
O.A. No. 425
~~T.A. No.~~

1987

198₆

DATE OF DECISION 16-1-1987

P.C. PAREKH

Petitioner

M. RADHAKRISHNAN

Advocate for the Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

Respondent

J.D. AJMERA

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. TRIVEDI

: VICE CHAIRMAN

The Hon'ble Mr. P.M. JOSHI

; JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

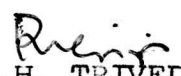
Per : Hon'ble Shri P.M. Trivedi, Vice Chairman


(6)

ORAL ORDER

Heard learned advocate Mr. Radhakrishnan for the petitioner on the admissibility of the petition and on the amendments to it. Also heard learned advocate Mr. J.D. Ajmera for the respondent on the preliminary question of admissibility and amendments.

Learned advocate for the applicant has cited various judgments 1984 3 SCC 316, ATR 1986 CAT, 424, 1984 1 SCC 1 and 1985 II LLJ 165 and the recent judgment of the Supreme Court in special leave petition 7911 of 1986 to show that the relevant CCS Conduct Rules 1964 on the basis of which the charges has been framed against the petitioner are challengeable regarding vires. The learned advocate for the respondent Mr. Ajmera has cited AIR 1972 Calcutta 1979 to show that these Rules have been upheld regarding their validity and applicability. We note that the relevant Rules have not been struck down. The applicability of these rules and their validity so far as the charges framed against the petitioner are concerned are matters which can be decided only with reference to the facts and circumstances alleged in the disciplinary proceedings. Related questions like the jurisdiction of the disciplinary authority are also matters which can be taken up by the petitioner in answering the charges. At this stage, it is not necessary to go into the question of merits of the charges but only whether they give rise to a case which the petitioner can be called upon to answer. We are fully satisfied ex-facie that this requirement is met. We also consider that until the disciplinary proceedings are concluded, it is premature for the petitioner to approach the Tribunal. We therefore do not admit the application or the amendments sought to be made to it.


(P.H. TRIVEDI)
VICE CHAIRMAN


(P.M. JOSHI)
JUDICIAL MEMBER