

Dep't. Enquiry  
100

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 212  
~~T.A. No.~~

19891

DATE OF DECISION 1/7/91

Shri Pramodakumar Singh Petitioner

Mr. M. M. Shastri Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Mr. N. S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M. M. Singh : Administrative Member

The Hon'ble Mr. R. C. Bhatt : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal. *No*

Shri Pramodakumar Singh, Office of the  
District Signal & Telecommunication  
Engineer(Construction),  
Western Railway, Ahmedabad.

: Applicant

(Advocate: Mr.M.M.Shastri)

Versus

1. The Union of India  
Through:  
The General Manager,  
Western Railway,  
Churchgate, Bombay.

2. The District Signal & Tele-  
communication Engineer(Const.)  
Western Railway, Ahmedabad.

: Respondents

(Advocate: Mr.N.S.Shevde)

O R A L O R D E R

O.A./212/91

Date: 1.7.1991

Per: Hon'ble Mr. M.M.Singh

: Administrative Member

1. Heard Mr.M.M.Shastri, learned counsel for the applicant.  
Mr.N.S.Shevde, learned counsel for the respondents present.

2. This Original Application under Section 19 of the  
Administrative Tribunals Act, 1985 is, in accordance with para-3  
of it, filed against the order dated 1st April, 1991 bearing  
No.SC/E/DAR/308/2 issued by the Assistant Signal & Tele-Commun-  
ication Engineer(Construction), Ahmedabad informing the  
applicant that the DAR enquiry against him has been finalised  
by the Inquiry Officer and inviting the applicant for personal  
hearing or for giving solid defence threatening to finalise  
the case <sup>in case of default</sup> ~~failure~~ upon the papers available. The contents of  
this order dated 1st April, 1991 are, as follows:

"The DAR enquiry in your case mentioned above  
has been finalised by the Enquiry Officer.

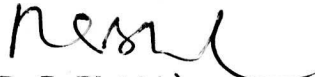
Kindly attend this office to give a personal  
hearing or give your solid defence, if any, by  
10th April, 1991 latest, after which the case  
will be finalised depending upon the papers  
available."

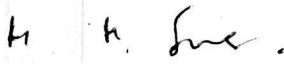
3. It is sufficiently <sup>clear</sup> from the contents <sup>about</sup> that the  
purpose of this letter is only to inform the applicant to  
attend office for personal hearing or give his defence by

10th April, 1991. This letter is intended to give an opportunity to the applicant to give his defence in <sup>the</sup> departmental inquiry. When the contents of the letter are such, the letter can hardly be impugned and challenged. <sup>Also</sup> it cannot be challenged as it does not amount to any final order of the authority concerned.

4. Looking to the relief clause at para 7 (a), the same consists of <sup>challenging</sup> ~~all~~ the action of the authorities concerned in issuing the chargesheet and concluding the inquiry without giving opportunity to defend and indirectly imposing the penalty of removal from service <sup>as</sup> illegal, malafide, arbitrary and violative of principles of natural justice. It is apparent <sup>from</sup> the relief clause that a final order in the departmental inquiry against the applicant appears to have been passed by the competent authority. When a final order of departmental inquiry has been issued, the applicant will first require to exhaust his remedy <sup>of</sup> ~~for~~ filing appeal to prescribe <sup>of</sup> departmental appellate authority.

5. From the above, it will be seen that the application does not deserve any consideration in this Tribunal at this stage. The same is rejected.

  
(R.C. Bhatt)  
Judicial Member

  
(M.M. Singh)  
Administrative Member

Shri Pramodakumar Singh,  
District Signal & Telecommunication  
Engineer(Construction),  
Western Railway, Ahmedabad.  
(Advocate: Mr.M.M.Shastrri)

: Applicant

Versus

1. The Union of India  
Through:  
The General Manager,  
Western Railway,  
Churchgate, Bombay.

2. The District Signal & Tele-  
communication Engineer(Const.)  
Western Railway, Ahmedabad.

: Respondents

(Advocate: Mr.N.S.Shevde)

O R A L O R D E R

O.A./212/91

Date: 1.7.1991

Per: Hon'ble Mr. M.M.Singh

: Administrative Member

1. Heard Mr.M.M.Shastrri, learned counsel for the applicant.  
Mr.N.S.Shevde, learned counsel for the respondents present.

2. This Original Application under Section 19 of the  
Administrative Tribunals Act, 1985 is, in accordance with para-3  
of it, filed against the order dated 1st April, 1991 bearing  
No.SC/E/DAR/308/2 issued by the Assistant Signal & Tele-Commun-  
ication Engineer(Construction), Ahmedabad informing the  
applicant that the DAR enquiry against him has been finalised  
by the Inquiry Officer and inviting the applicant for personal  
hearing or for giving solid defence threatening to finalise  
the case failure upon the papers available. The contents of  
this order dated 1st April, 1991 are, as follows:

"The DAR enquiry in your case mentioned above  
has been finalised by the Enquiry Officer.

Kindly attend this office to give a personal  
hearing or give your solid defence, if any, by  
10th April, 1991 latest, after which the case  
will be finalised depending upon the papers  
available."

3. It is sufficiently from the contents that the  
purpose of this letter is only to inform the applicant to  
attend office for personal hearing or give his defence by

10th April, 1991. This letter is intended to give an opportunity to the applicant to give his defence in a departmental inquiry. When the contents of the letter are such, the letter can hardly be impugned and challenged also it cannot be challenged as it does not amount to any final order of the authority concerned.

4. Looking to the relief clause at para 7 (a), the same consist of alleging the action of the authorities concerned in issuing the chargesheet and concluding the inquiry without giving opportunity to defend and indirectly imposing the penalty of removal from service is illegal, malafide, arbitrary and violative of principles of natural justice. It is apparent, the relief clause that a final order in the departmental inquiry against the applicant appears to have been passed by the competent authority. When a final order of departmental inquiry has been issued the applicant will first require to exhaust his remedy ~~from~~ filing appeal to prescribe departmental appellate authority.

5. From the above, it will be seen that the application does not deserve any consideration in this Tribunal at this stage. The same is rejected.

(R.C.Bhatt)  
Judicial Member

(M.M.Singh)  
Administrative Member

a.a.b.