

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 214/91

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DATE OF DECISION 1-7-91

Shri Jagdishkumar Madhaji Khalasi Petitioner

Mr. M.M. Shastri

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

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. *Yes*

Shri Jagdishkumar Madhaji Khalasi, 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(Constn)  
Western Railway, Ahmedabad.

: Respondents

(Advocate: Mr.N.S.Shevde)

O R A L O R D E R

O.A./214/91

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-Communi-  
cation 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  
in case of default 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"

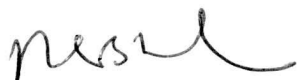
3. It is sufficiently clear from the contents above that  
the purpose of this letter is only to inform the applicant to  
attend office for personal hearing or give his defence by

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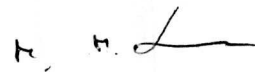
10th April, 1991. This letter is intended to give an opportunity to the applicant to give his defence in the departmental inquiry. When the contents of the letter are such, the letter can hardly be impugned and challenged. Also, it cannot be challenged as it does not amount to any final order of the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

4. Looking to the relief clause at para 7(a), the same consists of challenging 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 as illegal, mala fide, arbitrary and violative of principles of natural justice. It is apparent from 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 of filing appeal to prescribed 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.

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