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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 417 of 1988

Date of Decision ... 10. 05. 1991

Miss. Bijaya Sahoo ... Applicant

Versus

Union of India & Others Respondents

For the applicant ... M/s. Gobardhan Rout,
Bikram Pratap Das,
Advocates

For the Respondents ... M/s. T. Dalai,
Addl. Standing Counsel
(Central)

C O R A M

HON'BLE M.R. B.R. PATEL, VICE CHAIRMAN

AND

HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to the reporters or not ? No .
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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J U D G M E N T

N. SENGUPTA, MEMBER (J), The applicant was a Nurse in the Dispensary attached the Government India Text Book Press, Bhubaneswar. She had filed another original application No. OA 193/88 in which she produced copies of some documents. Those documents were some correspondence that passed between the Manager, Government of India Text Book Press, Bhubaneswar and the Director, Printing. After that, the respondent No. 3 issued a memorandum calling upon the applicant to explain as to how she got copies of those letters, this was dated 4th November, 1988. The applicant submitted her explanation on 11.11.1988. Subsequent thereto on 6th December, 1988, another memorandum was issued by Respondent No. 3 calling upon her to explain why she should not be proceeded against by invoking the provisions of Rule - 11 of the Central Civil Services (Conduct) Rules, 1965 and Official Secrets Act. A copy of this memorandum is Annexure-3 to the application. The applicant has prayed for quashing Annexure-3 and to drop ^{the} charges.

2. The respondents have filed a counter where they have given a list of documents copies of which were produced by the applicant in O.A. 193 of 1988 and they have maintained that the applicant got the copies of those documents in violation of Rule - 11 of C.C.S. (Conduct) Rules - 1965 and also Section - 6A of the Official Secret

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10/1/91*

Act, 1983.

3. We have heard Mr. Rout, learned counsel for the applicant and Mr. T. Dalai, Addl. Standing Counsel (Central) for the respondents. Annexure-3 states that if the applicant fails to submit her explanation, she may have to face a disciplinary action but as yet no disciplinary proceedings has been started. Of course no disciplinary proceeding could be started in view of the order passed by this Tribunal on 22.12.1988. As no charges have yet been framed, there can be no question of ~~the~~ direction to drop the charges. Unless a disciplinary proceeding be commenced, it cannot be quashed. Therefore, in our opinion, the application is really premature. If the applicant faces disciplinary proceeding and is aggrieved by any order passed in that, if so advised, she may approach this Tribunal in an appropriate application.

accordingly.
Accordingly the case is disposed of. No costs.

B.K. Sahoo
10.5.91
VICE CHAIRMAN

Member
19/5/91
MEMBER (JUDICIAL)

