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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

O.A.No. 82 of 1989.

Date of decision - 24th August, 1989.

Hemanta Kumar Mohanty, son of  
late Gopinath Mohanty,  
At- Chhadiguan, P.O.Kalupadaghat,  
District-Puri.

... Applicant.

Versus.

1. Union of India, represented by  
its Secretary, Ministry of Defence,  
New Delhi.
2. Commanding Officer, INS Chilka,  
At/P.O. Chilka, Dist-Puri.
3. A.S.O.(Civilians), INS, Chilka,  
At/P.O.-Chilka, Dist-Puri.

.... Respondents.

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M/s Devanand Misra, Deepak Misra,  
R.N.Naik, A.Deo and B.S.Tripathy ... For Applicant

Mr. Tahali Dalai, Additional  
Standing Counsel (Central) ... For Respondents

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C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE- CHAIRMAN

A N D

THE HONOURABLE MR. N. SEN GUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers 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. SEN GUPTA, MEMBER (JUDICIAL).

This is an application with a prayer for quashing the order passed by the C.G.O., A.S.O. (Civilians), I.N.S. Chilka on 14.2.89 calling upon the applicant to submit an explanation as to how he had access to the letter, a copy of which is Annexure-1 to this application.

2. The facts which lie in a narrow compass are that the applicant was appointed as an L.D. Clerk in I.N.S. Chilka on 12.12.84 on ad hoc basis. He continued to hold the post but his services not having been regularised, he filed another O.A. being No. 261/88 seeking a direction of this Tribunal to the respondent Nos. 2 and 3 to regularise his services. During the pendency of that O.A. No. 261/88, the applicant was asked to explain the circumstances under which he could get the document at Annexure-A/1 which was a classified document. In O.A. No. 261/88 this Tribunal gave a direction to consider the case of the applicant and regularise the appointment in any future vacancy that would arise. After the disposal of that case, a further explanation was called for and that was to be submitted within three days of receipt of the letter dated 14.2.89. As indicated above, this letter asking for submission of an explanation is the impugned subject matter in this case.

3. Sri Tahali Dalai, learned Additional Standing Counsel for the Central Government has submitted that only explanation has been called from the applicant and if it is really a classified document, possibly he cannot have any

*Shree*  
*24/8*

grievance against the letter, a copy of which is Annexure-1 to the application and has drawn our attention to para-3 of the counter. We agree with Sri Dalai that whether or not it is a classified document should first be decided and it is really premature to give any direction not to call for an explanation from the applicant. If after the applicant submits his explanation and any order is passed by the competent authority by which the applicant would be aggrieved, he will be at liberty to approach this Tribunal for an appropriate relief.

4. The application is accordingly disposed of. No costs.

*M. S. Gupta*  
24.8.89  
.....  
MEMBER (JUDICIAL)

B.R. PATEL, VICE-CHAIRMAN.

I agree.



*B. R. Patel*  
24.8.89  
.....  
VICE-CHAIRMAN.

Central Administrative Tribunal,  
Cuttack Bench, Cuttack,

The 24th August, 1989/ Jena, SPA.