

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
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O.A. No. 692 of 1997.

Present : HON'BLE MR. M.S. MUKHERJEE, ADMINISTRATIVE MEMBER.  
HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Quamrul Haque  
S/o- Late, Sk. Ali Hossain,  
Sr. Commercial Clerk,  
E. Rly, Sealdah Divn.

... Applicant.

Vrs.

1. Union of India,  
represented by the -  
General Manager,  
E. Rly, Calcutta- 1.
2. Chief Personnel Officer,  
E. Rly, Calcutta-1.
3. Divl. Comm. Manager,  
E. Rly, Sealdah Divn.  
Cal-14.
4. Chief Parcel & Luggage Inspector,  
E. Rly, Howrah.

... Respondents.

For applicant : Mr. A.K. Banerjee, Counsel leading  
Mr. S.N. Chattapadhyaya, Counsel.

For respondents : Mr. P.K. Arora, Counsel.

Heard on : 14.8.97.

Ordered on : 10.9.97.

O R D E R

D. Purkayastha, JM.

1. By this application, the applicant challenges the validity of the charge-sheet dated 30.5.96 (annexure 'B' to the application) on the ground that the impugned order of charge-sheet was issued by the respondent no. 2 <sup>who</sup> has no jurisdiction to pass/issue the Order.

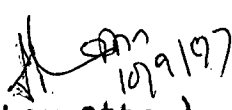
According to the applicant such an order ought to have been issued by the appointing authority only, and the Divl. Commercial Manager, Sealdah, is not the <sup>appointing authority of the applicant</sup> competent to issue the charge-sheet.

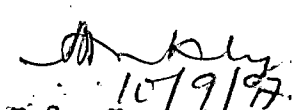
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2. When the case was taken up for admission hearing, Mr. Banerjee, Id. Counsel appearing on behalf of the applicant, submits that since the question of jurisdiction in respect of issuance of the charge-sheet dt. 30.5.96 is involved, thereby the case should be admitted for hearing.

3. We have considered the submission of the Id. Counsel for both the parties and we find that the application is premature one since it was decided by the Hon'ble Apex Court in the case of Union of India Vs. Upendra Singh ( JT 1994(1) SCC 658 ) that the Tribunal ought not to interfere with the proceedings at an inter-locutory stage nor does the Tribunal have jurisdiction to go into the correctness or truth of the charges. Moreover, Mr. Banerjee, Id. Advocate for the applicant, at the stage of admission could not show that as per provision of the R.S. (D&A) Rules, 1968 - charge sheet should have been issued by the appointing authority, not by any other <sup>competent</sup> authority. We have gone through the charge-sheet and it is found that the ~~Divl~~ Commercial Manager issued that Charge-sheet as a competent authority.

4. In view of the aforesaid circumstances, we find no ground to entertain this application for admission since it is a pre-matured one. Therefore, the application is dismissed at this stage without passing any order as to costs.

  
(D. Purkayastha )  
Member (J)

  
( M. S. Mukherjee )  
Member (A)