CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

Original Application No.167/2009

This the 29th day of April 2009.

HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER(A)

Harish Chandra, aged about 45 years, S/o late Asharfi Lal, R/o House No. 11, Pandaribagh, Charbagh, Lucknow at present serving as a Gangman, N.R., Charbagh, Lucknow.

.....Applicant

By Advocate: Shri Amit Bose.

Versus.

1. Union of India, through the Secretary, Ministry of Railways, Government of India, New Delhi.
2. The Asstt. Divisional Engineer (I), N.R., Lucknow.
3. Sri R.K. Tripathi at present servlng as Senior Section Engineer (Instructor), Divisional Pathway Training Centre, N.R., Lucknow.

.....Respondents.

By Advocate: Sri N.K. Agarwal.

ORDER

Heard both sides.

2. The applicant has filed this O.A. challenging the impugned memorandum dated 2.2.2009 (Annexure-1) issued by Assistant Divisional Engineer I, N.R., Lucknow alongwith enquiry report dated 18.11.2008 (Annexure-16).

3. It is the case of the applicant that after receipt of impugned memorandum dated 2.2.2009, he submitted his reply on 16.2.2009 to the respondents denying the allegations levelled against him. The learned counsel for the respondents submits that the reply of the applicant dated 16.2.2009 against the impugned memorandum dated 2.2.2009 is still pending with the respondents for consideration and as such the present O.A. is pre-mature and is not at all maintainable. When the reply of the applicant against the impugned memorandum is still pending, passing of any order at this stage is not at all justified.

4. In view of the above circumstances, the O.A. is dismissed as pre-mature at admission stage with liberty to the applicant to approach the Tribunal after exhausting the departmental remedy if so advised.. No costs.

{Dr. A.K. Mishra}
Member (A)

(M. Kanthaiah)
Member(J)

Girish/-