

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Stamp No. 304/86

Shri Tata Venkata Satyanarayana Sarma,
B-7, Hyderabad Estate,
Napean Sea Road,
Bombay - 400 026.

.. Applicant

V/s.

Director General of Shipping,
"Jahaz Bhavan",
Walchand Hirachand Marg, Fort,
Bombay - 400 001.

.. Respondent

Coram: Vice-Chairman B.C.Gadgil

Member J.G.Rajadhyaksha

Tribunal's Order: (Per Gadgil, Vice-Chairman)

We have heard Shri R.K.Shetty, Advocate for the applicant and we feel that this matter should not be entertained at this stage. The reasons are as follows :-

The applicant is in the service of the Mercantile Marine Department. On 9-12-1985, a suspension order was issued against him as a departmental inquiry was contemplated. Accordingly, a memorandum of charges was framed on 8-1-1986 and the inquiry proceeded with. No final orders either exonerating the applicant, or inflicting any punishment on him have been issued as yet. The applicant has rushed to this Tribunal with the contention that the procedure contemplated by the concerned authority is not proper, and that the inquiry is likely to be vitiated. It is with this allegation that the applicant has prayed that the said inquiry should be quashed and necessary orders may be issued directing the respondents not to pass any final orders in the said inquiry.

In our opinion it will be very difficult and also improper to interfere at such an interim stage, when the inquiry is in progress. The contention that has been raised by the applicant before us can also be raised in the inquiry before the Enquiry Officer or the disciplinary authority.

...2

In addition, it is also important to note that under Section 20 of the Administrative Tribunal's Act, 1985 ordinarily an application as mentioned above is not to be entertained unless the applicant exhausts all other remedies against an impugned order such as appeal etc. In view of these circumstances, we reject this application on the ground that we do not intend to entertain this application at this stage.

B. C. Gadgil

(B.C. GADGIL)
Vice-Chairman

J. G. Rajadhyaksha
11. 9. 86.
(J. G. RAJADHYAKSHA)
Member

Received the true copy the
order

H. M. M.

A. K. K. K.
H. D. G.

for respondent
~~H. D. G.~~