

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No. 359 of 2005

Patna, this day the 23<sup>rd</sup> June, 2005

Kumar Anand

..

Applicant

Versus

The Union of India and others..

Respondents

ORDER

Mantreshwar Jha, Member[A]:-

Heard Shri J.K. Karn, learned counsel for the applicant and Shri R.K. Choubey, learned Additional Standing Counsel for the respondents.

2. The applicant has challenged his order of termination at Annexure-A/7 whereby the applicant, who was working as EDBPM, Chaupani BO in account with Bounsi SO in Bhagalpur District, has been terminated from service by the order dated 10<sup>th</sup> June, 2005. This order has already been communicated to the applicant on 21.6.2005. After hearing the learned counsel for the parties, what transpires is that the appointment of the applicant had

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been challenged earlier in O.A. 757 of 1998 which was decided on 2.2.2005. The Tribunal had held that the appointment of the applicant, who was respondent no.6 in that OA to be illegal and, therefore, quashed and set aside the order. The applicant thereafter filed a writ petition C.W.J.C.No.4449 of 2005 which was adjudicated by the Hon'ble Patna High Court and stay was granted by the Hon'ble High Court on 25.4.2005. The case of the applicant is that even though the order of this Tribunal has been stayed by the Hon'ble High Court, the respondents have terminated the service of the applicant by issuing a show-cause notice at Annexure-A/5. The learned counsel for the respondents submits that since the matter is already pending adjudication in the High Court, the applicant should seek his remedy through appropriate legal steps in the Hon'ble High Court. The learned counsel for the applicant, however, submits that it is a separate cause of action and, therefore, this Tribunal should stay the operation of the termination order of the applicant.

3. After hearing learned counsel for both the parties, it appears that passing any order on the matter after taking into account the fact that the Hon'ble High Court is already seized of the matter, and has stayed the operation of the order of this



Tribunal on 25.4.2005, the learned counsel for the applicant should seek his remedy in the Hon'ble High Court and not before this Tribunal.

4. The OA is, accordingly, disposed of at the admission stage.

  
[Mantreshwar Jha]  
Member[A]

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