

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 237/1996

Date of Decision: 30.8.96

Ajay Kumar Tiwari,

Petitioner/s

Shri P. S. Gussain,

Advocate for the
Petitioner/s

V/s.

Union Of India & Another.

Respondent/s

Shri V. S. Masurkar,

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B. S. HEGDE, MEMBER (J).

Hon'ble Shri M. R. KOLHATKAR, MEMBER (A).

- (1) To be referred to the Reporter or not ? *✓*
- (2) Whether it needs to be circulated to
other Benches of the Tribunal ?

B. S. HEGDE
(B. S. HEGDE)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 237/96.

Dated, this 30th the _____ day of August, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).
HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Ajay Kumar Tiwari,
New Vishnu Mandir,
Dhela Devi Chowk,
Kalyan, Dist. Thane. ... Applicant
(By Advocate Shri P.S. Gussain)

VERSUS

1. Asstt. Personnel Officer,
(Electrical), Mumbai Central
Division, Western Railway,
Mumbai - 400 008.
2. Union Of India owning
Western Railway through the
General Manager, Western
Railway Headquarters,
Churchgate, ... Respondents.
Mumbai - 400 020.

(By Advocate Shri V.S. Masurkar).

: ORDER :

| PER.: SHRI B. S. HEGDE, MEMBER (J) |

1. In this O.A. the applicant is apprehending that his service as Substitute Khallasi is likely to be terminated without due process of law. Without exhausting the statutory remedies, the applicant approached this Tribunal on 08.03.1996. On the basis of the submissions of the Learned Counsel for the applicant, the Tribunal passed a status-quo order as on 08.03.1996 and the same is continued from time to time.

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2. On perusal of the documents and reply filed by the respondents, we find that neither a show cause notice nor a charge-sheet has been issued to the applicant and therefore, in our view, there is no cause of action and the apprehension of the applicant was unfounded.

3. In the result, ^{are} ~~we~~ of the view that since there is no cause of action, the present application is premature. Even if any show cause notice is issued, the applicant is required to give ^{an} explanation to the show cause notice and only after passing of the final order by the respondents, he can approach this Tribunal. The O.A. is therefore devoid of any merits and the same is dismissed. No order as to costs.

M R Kolhatkar

Member (A)
(M. R. KOLHATKAR)
MEMBER (A).

B. S. Hegde
(B. S. HEGDE)
MEMBER (J).