

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 336 of 1999.

Dated this Tuesday, the 18th day of April, 2000.

CORAM : Hon'ble Shri Justice R.G. Vaidyanatha, Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

Dr. Premkumar Jaiswal,
Director of Laboratories,
Central Agmark Laboratory,
Nagpur.

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Applicant.

(By Advocate Shri Shivramkrishnan)

VERSUS

1. Ministry of Agriculture
through the Secretary,
Government of India,
Krishi Bhavan,
New Delhi.
2. Government of National
Capital Territory of Delhi
through Chief Secretary,
5, Sham Nath Marg,
Delhi.
3. Central Vigilance Commission
through the Secretary,
Satarkata Bhavan, Block 'A',
General Post Office Complex,
INA New Delhi.

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Respondents.

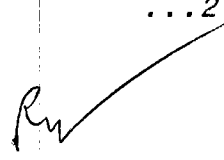
(By Advocate Shri V.S. Masurkar for
Respondent No. 1.
None for other respondents.)

OPEN COURT ORDER

PER : Shri R. G. Vaidyanatha, Vice-Chairman.

This is an application filed by the applicant for a
direction to the respondents not to initiate any departmental
enquiry on the basis of complaint lodged in 1989 and for other

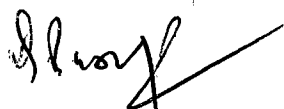
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consequential reliefs. Respondent No. 1 has filed reply opposing the application. We have heard Mr. Shivramkrishnan, the Learned Counsel for the applicant and Shri V.S. Masurkar, the Learned Counsel for the Ministry of Agriculture, Respondent No. 1. Respondent No. 2 and 3 have remained unrepresented.

2. After hearing both sides and going through the materials on record we find that the matter is premature to be interfered at this stage. If the complaint of 1989 has become stale and no action is taken so far, then if and when a charge-sheet is issued on the basis of such a stale complaint, the applicant can challenge the same according to law. All rights of the applicant to challenge the action that may be taken on the basis of 1989 or some other complaint, are kept in tact. We feel that without having the necessary record of 1989 complaint we cannot express any opinion on the contentions urged by the applicant on merits. We feel that this is not a fit case to be intereferred by the Tribunal at this stage.

3. Hence, in the result, the application is disposed of at the admission stage with liberty to the applicant to challenge the charge-sheet or any other disciplinary action taken against him according to law, if an when such an action is taken. All contentions on merits are left open. The interim order granted in this case and extended from time to time is hereby vacated. No order as to costs.


(D.S. BAWEJA)
MEMBER (A).


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.