

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 127 of 2000

Dated this Wednesday, the 23rd day of February, 2000.

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

Hon'ble Shri B. N. Bahadur, Member (A).

Shri Girish Gomji Valvi,
Hindi Announcer under
the Station Director,
Vividh Bharathi,
Mumbai.

Residing at -
108/A, 'A' Wing/ 204
Sriprastha Complex,
Nalasopara (W),
Dist. Thane.

... Applicant.

(By Advocate Shri S.V. Marne)

VERSUS

1. Union Of India through
The Secretary,
Ministry of Information,
& Broadcasting,
New Delhi.

2. Dy. Director General,
Aakashwani Bhavan,
Backbay Reclamation,
Mumbai - 400 020.

3. The Station Director,
Vividh Bharati,
Marine Lines,
Mumbai - 400 020.

... Respondents.

OPEN COURT ORDER

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

This is an application filed by the applicant
challenging intended order of termination by the respondents.

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The applicant is admitted a proprietor and the
appellee that his service may be terminated
therefore, he has approached this Tribunal.
In our

view, the application is premature. This Tribunal
cannot do unto the defendant as to the plaintiff
concerning any right to terminate the service
of the applicant and the defendant will be
the intended order is justified or not. All those

questions can be decided in and when the order of
termination is passed. Even then the party will pass
a right of approach the appellate authority. If it is
only if an order is passed, the Tribunal will be in a
position of know whether the order is stipulatory, mandatory,
final and not based on evidence. If cannot be decided
even before such order is passed. Therefore, the
application is premature and will be rejected.

Accordingly, the application is rejected at the admission
stage. However, this order will not come in the way
of the applicant in challenging any adverse order passed
against him according to law. All contentions on merits
will be left open.

No order as to costs.

Chandru

(B. A. RAHADUR)

MEMBER (A)

*28

(R.G. AVIDYANATHA)
VICE-CHAIRMAN

The applicant is admittedly a probationer and he apprehends that his services may be terminated and, therefore, he has approached this Tribunal. In our view, the application is premature. This Tribunal cannot go into the question as to on what grounds the competent authority is going to terminate the services of the applicant and then go to the question whether the intended order is justified or not. All those questions can be decided if and when the order of termination is passed. Even then the party will have a right to approach the appellate authority. It is only if an order is passed, the Tribunal will be in a position to know whether the order is arbitrary, malafide, illegal and not based on evidence. It cannot be decided even before any order is passed. Therefore, the application is premature and liable to be rejected. Accordingly, the application is rejected at the admission stage. However, this order will not come in the way of the applicant in challenging any adverse order passed against him according to law. All contentions on merits are left open.

No order as to costs.

B. N. Bahadur
(B. N. BAHADUR).
MEMBER (A).

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE-CHAIRMAN.