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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.428/90.

Smt.Sosamma P.Samuel. ... Applicant.

V/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Vice-Chairman, Shri G.Sreedharan Nair,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:-

Applicant by Shri P.Sankaranarayanan.

Oral Judgment:-

[Per Shri G.Sreedharan Nair, Vice-Chairman] Dt. 5.7.1990

Heard Counsel of the applicant. The relief that is claimed in the application is for quashing the notice dated 23.1.1990 by which the applicant has been called upon to submit her explanation, if any, as to why her appointment to the post of Stenographer and the subsequent promotions earned cannot be declared null and void. It is admitted that pursuant to the notice the applicant has submitted her explanation on 20.2.1990 and it has not been disposed of.

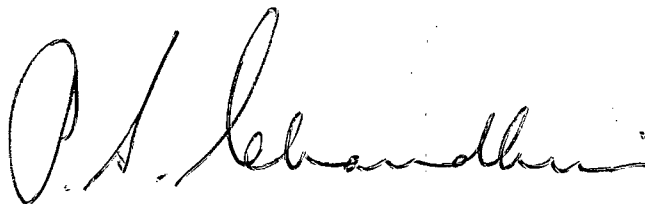
2. The points urged by the Counsel of the applicant ~~xx~~ were to establish that the appointment of the applicant to the post of Stenographer and the subsequent promotions earned by her are valid. Those are matters which have actually been urged in the representation submitted by the applicant pursuant to the impugned show cause notice. In the present application, we are afraid it is not open to us to consider the said question, as it will have the effect of preempting the consideration of the matter by the respondents.

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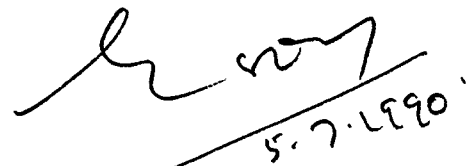
3. The memorandum dt. 23.1.1990 has eventually been issued in recognition of the principles of natural justice, that before action is taken that may affect the *civil* rights of the applicant, opportunity of showing cause has to be afforded. It is not open to the applicant to pray for quashing the notice, and as such the application cannot be entertained.

4. It is needless to point out that as the applicant has submitted her representation in response to the impugned notice the respondents shall duly consider the points urged therein before taking a final decision on the matter.

5. The application is rejected.



(P.S. CHAUDHURI)
MEMBER (A)


5.7.1990

(G. SREEDHARAN NAIR)
VICE-CHAIRMAN.