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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 419/92

199

~~XXX NOX~~

DATE OF DECISION 1.9.92

R M P Varma

Petitioner

Mr. G S Walia

Advocate for the Petitioners

Versus

Union of India & Others.

Respondent

----- Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S K Dhaon, Vice Chairman

The Hon'ble Mr. M Y Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgement ?
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
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v.c.

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(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESCOT ROAD; BOMBAY-1

OA No.419/92

R M P Varma
Scientific Officer (SE)
Radiomettallurgy Division
Bhabha Atomic Research Centre
C/o. G S Walia
Advocate; High Court
Maharashtra Bhavan
Bora Masjid Street
Behind Handloom House
Fort; Bombay-1

..Applicant

V/s.

1. Union of India through
Secretary to the Govt. of
India; Dept. of Atomic Energy
CSMR, Bombay-39

2. Secretary
Minister-in-Charge
Ministry of Atomic Energy
Govt. of India; South Block
New Delhi 110011

..Respondents

Coram: Hon.Shri Justice S K Dhaon, V.C.
Hon.Shri M Y Priolkar, Member(A)

APPEARANCE:

Mr. G S Walia
Counsel
for the applicant

ORAL JUDGMENT:
(Per: S K Dhaon, Vice Chairman)

DATED: 1.9.1992

Departmental Proceedings had been initiated against the applicant. Inquiry Officer had been appointed. Proceedings before him commenced. On 3.1.90 the Punishing Authority passed an order directing the Inquiry Officer to stay further proceedings. It is stated, on 31.1.90 the Inquiry Officer submitted his report to the Punishing Authority. On 12.4.90 the Punishing Authority rejected the application made by the applicant wherein the afore mentioned interim

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order had been passed and directed that the inquiry shall go on before the Inquiry Officer. The applicant has approached this Tribunal with the principal allegation that the Inquiry Officer, inspite of the interim order dated 3.1.1990, continued with the inquiry.

It appears to be an admitted position that between 3.1.1990 and 31.1.1990 the only overt act performed by the Inquiry Officer was that he submitted his report to the Punishing Authority. If this was so, the applicant was in no way prejudiced, even if we assume that the Inquiry Officer acted in violation of the interim order. The report of the Inquiry Officer is not binding upon the punishing authority.

Merits apart, the legal position is that the interim order having been vacated subsequently it became void from the date it was passed. Therefore, any proceedings taken in violation of the interim order would not be rendered invalid.

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With these observations this application
is rejected. The interim order passed is vacated.


(M Y Priolkar)
Member(A)


(S K Dhaon)
Vice Chairman

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