

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 325/97199

Date of Decision: 24 JUNE, 1997

K V Prasad Rao

Petitioner/s

In person

Advocate for the  
Petitioner/s

V/s.

UOI & Ors.

Respondent/s

Mr. V S Masurkar

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri B S Hegde, Member(J)

Hon'ble Shri R 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?

  
Member(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING No.6  
PRESCOT ROAD, MUMBAI 400001

O.A.No. 325/97

DATED : THIS 24<sup>th</sup> DAY OF JUNE, 1997

CORAM : Hon'ble Shri B S Hegde, Member(J)  
Hon'ble Shri M R Kolhatkar, Member(A)

Karpurapu Vara Prasada Rao,  
Flat No.12, Mukund Apartments,  
Gandharva Nagari,  
Nashik Road, 422101.

..Applicant

V/s.

1. Union of India, through  
the Joint Secretary(C&C)  
Ministry of Finance  
Department of Economic Affairs  
North Block  
New Delhi 110001

2. The General Manager  
India Security Press  
Nashik Road 422101

3. The Deputy General Manager  
Currency Note Press  
Nashik Road 422101

(By Adv. Mr. V.S. Masurkar,  
Central Government Standing  
Counsel)

..Respondents

ORDER

[Per: B S Hegde, Member(J)]

1. In this O.A. the applicant is challenging the suspension order dated 14.8.96 and also the charge sheet dated 5.9.96 respectively issued by the respondents. pursuant to the charge sheet issued by the respondents the applicant has submitted his written explanation on 17.9.96. Thereafter the competent authority has given a personal hearing/preliminary inquiry on 19.9.96 and 20.9.96 respectively which has been conceded by the applicant vide his letter dated 21.9.96. The crux of the matter is that the applicant is transferred/shifted from India Security Press (I.S.P.) Nashik to Currency Note

*B/S*

the inquiry by not participating in the inquiry proceedings. He has participated in four hearings and having found that the inquiry proceedings may go against him, he rushed to the court through this O.A. praying for quashing the inquiry proceedings. So for as the suspension is concerned it is argued that it is open to the applicant to prefer an appeal under Rule 23(A) of CCS Rules. Instead of resorting to the departmental remedies the applicant straight away filed this OA and is seeking quashing of suspension as well as the charge sheet. Courts have held that when an alternative remedy is available to the applicant under the Rules OA is not maintainable in law.

3. Since the applicant has already participated in the inquiry proceedings, it is not open to him to challenge the inquiry proceedings when the inquiry is incomplete. So for as the truth of the charge is concerned it is not open for challenge prior to the conclusion of the disciplinary proceedings. Supreme Court has repeatedly held that the Courts/Tribunals should not interfere with the pending disciplinary proceedings till the same are completed, unless malafides or arbitrariness are shown to the Tribunal. No such argument has been advanced by the applicant nor any evidence is adduced in this behalf.

4. The Applicant has also filed Contempt Petition No. 42/97 alleging that the respondents have shown disregard

*AKN*

to the Tribunal by not filing reply in time. Since the O.A. itself is not admitted, the question of entertaining the Contempt Proceedings would not arise. Further no mandatory directions were issued by the Tribunal to the Respondents that if the reply is not filed by a particular date the Tribunal would be constrained to proceed with the available documents. It is submitted by the Counsel that the respondents could not consider increase in the subsistence Allowance because of pending Miscellaneous Petitions before the Tribunal, though they intended to consider the same at the relevant point of time. The applicant has rushed to the Tribunal for the said relief instead of waiting for the decision. M.P.No. 245/97 is filed by the applicant to keep the matter on top of the Board and M.P. No.292/97 for a direction to the respondents to enhance his subsistence allowance.

5. Both the Miscellaneous Petitions as well as the Contempt Petition are dismissed as they do not survive because the O.A. itself is not maintainable on merits. We also find that no cause of action has arisen for challenging ~~the suspension or charge sheet.~~ **Therefore,** We direct the applicant to cooperate with the inquiry proceedings and await the outcome of the inquiry and the findings of the competent authority. At the same time the respondents are also hereby directed to expedite the departmental proceedings on before 31st

*Pls*

.5.

October, 1997. O.A. is disposed of at the admission stage with the above direction. No order as to costs.

*M.R. Kolhatkar*  
~~(M.R. Kolhatkar)~~

Member(A)

*B.S. Hegde*  
(B.S. Hegde)

Member(J)

trk

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Review Petition No. 62/97 in  
Original Application No. 325/97

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri M.R. Kolhatkar, Member (A)

K.V. Prasadarao  
12 Mukund Apartments  
Gandharve Nagari.  
Nashik Road.

... Applicant.

V/s.

Union of India and others.

... Respondents.

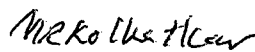
Tribunal's order on Review Petition by Circulation.

¶ Per Shri B.S.Hegde, Member (J)¶

Dated: 22.8.97


The applicant has filed this Review Petition seeking review of the judgement dated 24.6.97. The Tribunal vide order dated 24.6.97 dismissed the M.P. as well as the Contempt Petition as they do not survive because the O.A. itself is not maintainable on merits. The applicant has challenged the suspension order issued by the respondents. applicant was directed to cooperate with the enquiry proceedings and the respondents were also directed to expedite the departmental proceedings on or before 31.10.97. The applicant has not brought out any new facts or any error on the face of the record to call for a review of the judgement.

In the result we do not find any merit in the Review Petition. The Review Petition is dismissed by circulation.

---

(M.R. Kolhatkar)  
Member (A)

---

(B.S. Hegde)  
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, MUMBAI:1

C.P. 80/97 in  
Original Application No. 325/97.

Monday the 1st December 1997.

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

Hon'ble Shri P.P. Srivastava, Member (A)

K.V. Prasadareo ... Applicant.

V/s.

Union of India and others. ... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

Per Shri Justice R.G.Vaidyanatha, Vice Chairman

Heard applicant in person and Shri  
V.S. Masurkar, counsel for the respondents.

The applicant has alleged that the respondents have committed contempt of the order passed by this Tribunal dated 24.6.97 in O.A.325/97. That O.A. came to be dismissed by this Tribunal but with a direction that the respondents to expedite the departmental proceedings on or before 31.10.1997.

Now the question is whether the respondents have committed contempt of the order passed by the Tribunal on 24.6.97.

In the reply, the respondents have stated that the enquiry has been completed and the Enquiry report is prepared. The Disciplinary Authority has not been able to take a final decision in the matter, since he was on tour and again he was on medical leave till end of November. The applicant has filed Review Petition. After the Review Petition was dismissed, the applicant has moved to the High Court of Bombay in Writ Peitition No. 4728/97, which came to be dismissed on 23.10.97.

The applicant has not made out any case of contempt. The respondents have given proper explanation for the delay in completing the departmental proceedings. Therefore, there is no wilful dis-obedience of any order passed by this Tribunal.

For the above reasons the C.P. is <sup>retained</sup> discharged. However the respondents shall pass final order in the disciplinary case preferably within two months from today.

  
(P.P. Srivastava)  
Member (A)

  
(R.G. Vaidyanatha)  
Vice Chairman.

NS

me)

dat. 11/2/97  
Order/Judgement despatched  
to Applicant/Respondent (s)  
on 11/2/97

  
16/12/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING No.6  
PRESCOT ROAD, MUMBAI 400001

REVIEW PETITION No.3/98  
IN  
ORIGINAL APPLICATION No. 325/97

*Dated- 12-01-1998*

K.V. Prasadrao  
12, Mukund Apartments  
Gandharva Nagari  
Nashik Road 422101

..Applicant

V/s.

1. Mr. Sundareshan  
Joint Secretary (C&C)  
Ministry of Finance  
Department of Economic Affairs  
North Block  
New Delhi 110001
2. Shri V K Jain  
General Manager  
India Security Press  
Nashik Road 422 101
3. Shri Ganga Parkash  
Deputy General Manager  
Currency Note Press  
Nashik Road 422101

..Respondents

ORDER [ BY CIRCULATION ]

=====

[Per: R G Vaidyanatha, Vice Chairman]

1. We have perused the Review Petition No.3/98 and the previous Contempt Petition and all other material on record. The applicant had appeared in person before us and after hearing him and the learned counsel for the respondents we rejected the Contempt Petition No.80/97 by order dated 1.12.1997.

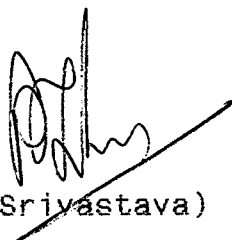
2. In the Review Petition no new facts or grounds have been brought out for revoking our earlier order and the



.2.

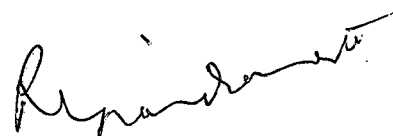
applicant has repeated the same allegations which were made in the Contempt Petition. One of the grounds ~~is~~ alleged is that the applicant is not heard. It is an incorrect statement. We had heard the applicant in person and after hearing both the sides we have rejected the Contempt Petition on merits.

3. We do not find any ground made out for Review and accordingly the Review Petition is rejected.



(P.P. Srivastava)

Member (A)



(R G Vaidyanatha)

Vice Chairman

Order/Judgement despatched  
to Applicant/Respondent (s)  
on 11/21/98.

11/21/98