

2/9/2

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 957/98

Date of Decision: 1/2/99

Shri T.A. Jayakumar Petitioner/s

By Advocate Ms. U.K. Srivastava Advocate for the
for M/s. Consulta Juris Petitioner/s.

v/s.

Union of India & Anr. Respondent/s

Shri R.K. Shetty Advocate for the
Respondent/s

CORAM:

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

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

(1) To be referred to the Reporter or not? w

(2) Whether it needs to be circulated to
other Benches of the Tribunal? w

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO.957/98.

DATED THE 1ST DAY OF FEBRUARY, 1999.

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

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

Shri T.A.Jayakumar,
working in the office of the
Senior Quality Assurance,
Establishment(Armaments),
Directorate General Quality,
Assurance (DGQA) Complex,
Vikhroli,
Bombay - 400 083.

... Applicant.

By Advocate Ms.U.K.Srivastava
for M/s.Consulta Juris

V/s.

1. Union of India, through
the secretary,
Ministry of Defence,
New Delhi.
2. Colonel K.C.Joshi,
Senior Quality Officer,
Senior Quality Establishment,
(DGQA), Complex,
L.B.S.Marg, Vikhroli,
Mumbai - 400 083.

... Respondents.

By Advocate Shri R.K.Shetty.

I O R D E R

¶ Per Shri R.G.Vaidyanatha,V.C. ¶

In this application, the applicant is challenging the legality and validity of charge sheet dated 19/8/98 and wants it to be quashed. Respondents have filed reply opposing the application. Heard both the counsel on admission and Interim Relief.

2. The learned counsel for applicant contended that the issuance of charge sheet dated 19/8/98 amounts to contempt of Court and is in violation of stay granted by City Civil Court.

3. After hearing both the sides and going through the materials on record, we find that applicant has approached the City Civil Court under the Public Premises Act



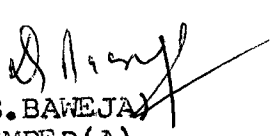
against the order of eviction dt. 25/3/98. It appears, the City Civil Court granted stay of order of eviction dt. 25/3/98. The present charge sheet is dated 19/8/98 which was issued on the basis of surprise visit made in the premises in first week of July, 98 when strangers were found at the premises and therefore the allegation against the applicant is that again he has sublet the premises to third parties.

4. In our view in no way it can be said that the second charge sheet dated 19/8/98 is in violation of order passed by City Civil Court and it does not amount to contempt of Court. It is well settled that a Tribunal or a Court should not interfere at the stage of issuance of charge sheet. All the disputed questions must be gone into during the disciplinary enquiry. Therefore, we do not find ^{that} any case is made out in the present application.

A submission was made across the bar that that issuance of charge-sheets shows malafides. After a particular charge sheet is issued, the charge sheet will have to be enquired into during disciplinary enquiry.

We cannot make any comment in the present case ^{at this stage}.

5. In the result, the application is rejected at admission stage. The Interim order dated 16/11/98 is vacated. All contentions on merits are left open. This order is without prejudice to the rights of the applicant with regard to his submissions in the Disciplinary Enquiry. No costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.