

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
Original Application No. 860 of 2003

Jabalpur, this the 16th day of December, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

Anupam Rajan S/o Shri U.K. Sinha
Aged 35 years, Collector, Naemuch
Distt. Naemuch (M.P.)

(By Advocate - Shri Sajid Akhtar with Shri Shyamal Mukerjee) APPLICANT

VERSUS

1. Union of India
Through : The Secretary,
Department of Personnel & Training,
Ministry of Public Grievance & Pension,
New-Delhi
2. State of Madhya Pradesh
Through Secretary
General Administration Department
Mantralaya, Bhopal (M.P.)
3. Union Public Service Commission
Through : Secretary, Dhelpur House
New Delhi

RESPONDENTS

ORDER (ORAL)

By G. Shanthappa, Judicial Member -

The applicant has filed above application seeking a direction to the respondents to quash the impugned notice dated 05.12.2003 as the same is contrary to law and decision of this Tribunal in O.A No. 658/2003.

2. The brief facts of the case are that the applicant was selected as an Indian Administrative Service Officer in M.P. Cadre in the year 1993. In the preliminary examination there was misconduct committed by the applicant for this reason the respondents want to conduct a ^q preliminary enquiry. Further the applicant has been called for appearing before the ^q authority on 5.1.2004 at Delhi. They have issued the impugned notice to appear before the respondents. Subsequent to the ^q

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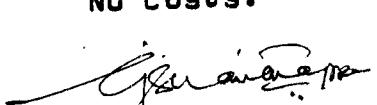
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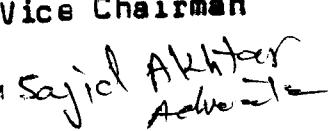
said notice the applicant has submitted a representation stating that there is an order held by this Tribunal in which the issue has been decided in OA No. 658/03. Since already there is a decision of Tribunal, the respondents are not supposed to issue a notice to conduct the preliminary enquiry. Since representation dated 12.12.03 submitted by the applicant is pending, the applicant has approached this Tribunal for quashing the show cause notice for appearance before the authority. Admittedly the representation is pending with the respondents. The show cause notice is not an impugned order, the applicant has been asked to appear before the authority on 5.1.04, there is no impediment on the applicant to appear before the respondents to explain and also request the show cause notice can be withdrawn by considering the case of the applicant. Since made any grant of relief in this OA.

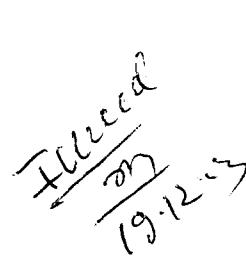
3. Only the dispute in this case is, that the respondents have mentioned, they addressed the applicant as probationer. The applicant has submitted, that subsequent to declaration of probation of his service, he got promotion, since in the probation is mentioned in the notice that is ^{only} ~~not~~ the grievance of the applicant. The applicant can appear before the authority and explain the things to withdraw the notice issued by them. With the observation this OA is dismissed.

No costs.

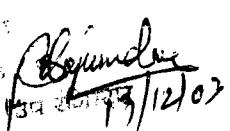

(A. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman


Sajid Akhtar
Advocate


Exiced
on
19.12.03

SKM


B. Venkateswaran
13/12/03