

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Jaipur, the December 04<sup>th</sup>, 2006

ORIGINAL APPLICATION NO. 316/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDICIAL)

HON'BLE MR. J.P. SHUKLA, MEMBER (ADMINISTRATIVE)

Smt. Kushal Singh wife of Shri S.P. Singh, aged about 56 years, resident of 1/17, Gandhi Nagar, Jaipur. At present posted as Principal Secretary, Social Welfare and Tribal Area Development Department, Govt. of Rajasthan, Jaipur.

By Advocate: Mr. Vinod Goyal Proxy to Mr. Virendra Lodha.

...Applicant

Versus

- 1 Union of India through the Secretary to the Government, Department of Personnel & Training, Government of India, North Block, New Delhi.
- 2 The Secretary, Women & Child Department, Ministry of Human Resources Development, Government of India, Shastri Bhawan, New Delhi.

By Advocate:-----

....Respondents.

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

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"It is, therefore, respectfully prayed that the Hon'ble Tribunal may kindly be pleased to call for the entire record pertaining to issuance of Memorandum dated 1.4.2003 of the case and after examining the same be pleased to declare the said memorandum null and void and be quashed and set aside.

By an appropriate order or direction in the alternative in case if this Hon'ble Tribunal is of the opinion that the present original application is premature in that eventuality an alternative prayer is to direct the official respondent to make available copies of these documents namely:-

- i) Copy of the application submitted by the applicant to the Chairperson, Central Social Welfare Board requesting for permission to go abroad.
- ii) Copy of the leave application submitted by the applicant for the period under consideration.
- iii) Sanction order of the Govt. of India for the official visit to the then USSR to attend an International Conference on women's Issues in the month of May, 1989.
- iv) Photostat copy of the official Passport.

By further appropriate order or direction in the alternative if this Hon'ble Tribunal comes to the conclusion that the present original application is still premature in that eventuality mandamus be issued in the form of direction to the official respondent not to treat the impugned memorandum dated 1.4.2003 as an impediment for the purpose of denial of the applicants empanelment in panel which is under process of 1974 IAS batch officers being prepared for posting as Additional Secretary with Govt. of India, New Delhi.

By further appropriate order or direction, if any order prejudicial and detrimental to the interest of the applicant is passed on the basis of impugned memorandum dated 1.4.2003 during the pendency of this original application, the same may kindly be taken on record and be quashed and set aside.

Cost be quantified in favour of the applicant."


2 We have heard the learned counsel for the applicant. We are of the view that the present OA is wholly misconceived inasmuch as the impugned order dated 01.04.2003 (Annexure A/1) is in the nature of show cause


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notice whereby the applicant has been directed to give explanation within fifteen days of receipt of the communication with supporting documents. Pursuant to Annexure A/1, no adverse/final order appears to have been passed.

3. Under these circumstances, we are of the view that the present OA cannot be entertained and no direction can be given to the respondents to quash Memorandum dated 01.04.2003 (Annexure A/1) which is in the nature of show cause notice. Learned counsel for the applicant submits that the applicant has also prayed that the documents mentioned at sl. Nos. (i) to (iv) in the prayer clause may be made available to him by directing to the respondents. This prayer of the applicant cannot be accepted inasmuch as no mandamus can be issued thereby directing the respondents to supply him the documents mentioned in the Prayer clause. Further, we are of the view that the applicant is not remedy-less. For that purpose, he can <sup>invoke alternative</sup> ~~invoke~~ remedy which is available to him under law and certainly the present OA is not the remedy.

4. With these observations, the OA is disposed of at admission stage.

  
(J.P. SHUKLA)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

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