

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.160/2018

M.A. No.474/2018

Wednesday, this the 28th day of February 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Amit Maggu (Aged about 33 years)
Scientist B, NTRO (Group A)
s/o Shri Ram Sara Maggu
r/o Flat No.1001, Glory Tower, Phase II
Omaxe Hill, Surajkund
Faridabad (Haryana)

..Applicant

(Mr. M K Bhardwaj, Advocate)

Versus

1. National Technical Research Organization
Through its Chairman
NTRO, Block III
Old JNU Campus, New Delhi – 110 067
2. Controller of Administration
NTRO, Block – III
Old JNU Campus, New Delhi – 110 067
3. Director (Establishment)
NTRO Block III
Old JNU Campus
New Delhi – 110 067

..Respondents

(Mr. Hanu Bhasker, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

M.A. No.474/2018

For the reasons stated therein, this Application is allowed.
Documents accompanying the Application are taken on record.

O.A. No.160/2018

Notice. Mr. Hanu Bhasker, learned counsel appears and accepts notice on behalf of respondents.

2. This O.A. is directed against the impugned memorandum dated 30.11.2017, which is a show cause notice (SCN) issued to the applicant asking him to file his response to the aforesaid memorandum within a period of ten working days. Admittedly, the applicant without filing the response to the SCN / memorandum approached this Tribunal by filing the instant O.A.

3. We have heard the learned counsel for the parties.

4. The short issue raised in the present O.A. is whether the Tribunal should interfere at the stage of SCN.

5. Mr. M K Bhardwaj, learned counsel has urged two grounds (i) that it was a campus selection of the applicant and he never concealed anything from the respondents at the time of his selection/appointment; and (ii) that in the SCN the final opinion has been formulated, which demonstrates pre-determination and pre-set mind of the authorities.

6. From the perusal of the impugned memorandum, we find that the authorities have definitely said that the appointment was procured by unfair means. The object and purpose of seeking response is to arrive at a just conclusion after affording an opportunity of being heard to the concerned employee. Merely mentioning about the facts does not *per se* amount to making a final opinion. The mere fact that the SCN has been

issued definitely means that the authorities want to have the views of the applicant. In any case, the observations made by the respondents in the impugned memorandum shall not be construed as a reflection of the opinion of the authorities. We do not intend to interfere in the matter at this stage. Since the applicant has not filed the response / reply within ten working days from the date of receipt of the memorandum, we grant two weeks' time to the applicant from today to file his response / reply to the impugned memorandum dated 30.11.2017. On receipt of the response of the applicant, the competent authority shall consider the same and take a final decision on the aforesaid memorandum in the light of response from the applicant within a period of one month from the date of its receipt. Suffice it to say that the SCN shall be decided by taking into consideration the entire gamut of circumstances that may be reflected in the response. In the event, any final decision is taken affecting service rights of the applicant, the same shall not be operated upon for a period of four weeks to enable the applicant to seek remedial measures in accordance with law.

7. With the aforesaid observations, the O.A. stands disposed of.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

February 28, 2018
 /sunil/