

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

O.A.No.210/00468/2017

Date of decision : August 17, 2017.

**Coram: Hon'ble Shri Arvind J. Rohee, Member (J)
Hon'ble Ms.B. Bhamathi, Member (A) .**

1. The All India Naval Technical Supervisory Staff Association Office at : Ground Floor, Zonal Canteen Gun Gate, Mumbai. Through its General Secretary Mr.Biswa Bhanu Mohanty Residing at: F10/105, Kingsville, Green City, Ambernath East, Thane, Maharashtra-421501.
2. Shri Avinash Laxman Mhatre, F3290 M, Cno.41/BEF, Naval Dockyard Mumbai Resident of P 57/01, SPDC Colony, Sion-Trombay Road, Mankhurd (E), Mumbai-400088. ..Applicants.

(By Advocate Shri L.C. Kranti).

Versus

1. Lt.Commander Chandan Ozha, Jt. Manager (BEF), Naval Dockyard Mumbai-23.
2. Commander PK Khare, Senior Manager (IR&W), Naval Dockyard, Mumbai-23.
3. The Admiral Superintendent, Naval Dockyard, Mumbai-23.
4. Union of India through The Secretary, Ministry of Defence, South Block, New Delhi-110 011. .. Respondents.

**Order (Oral)
Per : Arvind J. Rohee, Member (J) .**

Today when the matter is called out for

admission, heard Shri L.C. Kranti, learned Advocate for the applicants. We have carefully perused the case record.

2. The applicants in this O.A. have sought the following reliefs:-

"a. This Hon'ble Tribunal may be pleased to issue an order or direction quashing the show cause notice dated 08 Nov 2016.

b. This Hon'ble Tribunal may be pleased to issue an order or direction quashing the show cause notice dated 21 Nov 2016.

c. This Hon'ble Tribunal may be pleased to issue an order or direction restricting the Respondents from taking any vindictive steps against the Applicant No.2.

d. This Hon'ble Tribunal may be pleased to issue an order or direction restricting the Respondents from taking any action against the Applicant No.2 in his capacity of President of the impugned Association."

3. The applicants in this case have challenged two impugned communications dated 08.11.2016 (Annexure A-1) by which explanation of applicant No.2 is sought regarding alleged illegal and corrupt practices while working as President AINTSSA. By another communication dated 21.11.2016 (Annexure A-2), he was called upon to explain his unauthorised absence from duty on 21.11.2016.

4. It is obvious that two distinct reliefs and causes of actions clubbed together. However, since

show cause notice is being challenged and no adverse order is reported to have been passed by the respondents so far on any of the two show cause notices, the O.A. is premature, there being no impugned order which can be judicially reviewed. It is also not known why the Employees Association has been joined as applicant No.1 in the O.A.

5. The O.A. is, therefore, not maintainable. The same is accordingly dismissed in limine.

6. However, the applicants will be at liberty to approach the appropriate forum in case any adverse order is passed against the applicant No.2 by the respondents in pursuance of the two show cause notices issued to him, to which he has already submitted a reply.

(Ms.B. Bhamathi)
Member (A)

(Arvind J. Rohee)
Member (J) .

H.