

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.2041/2018

New Delhi this the 5th day of February, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

RA Goel, Aged 55 years,
S/o Late Sh. Suraj Bhan Goel,
R/o B-234, Lok Vihar, Pitampura,
Delhi-110034

- Applicant

(By Advocate: Mr. Apurb Lal)

Versus

1. North Delhi Municipal Corporation,
Through its Commissioner,
14th Floor, Dr. SPM Civic Centre,
JLN Marg,
Minto Road,
New Delhi-110002
2. The Additional Commissioner (R)
North Delhi Municipal Corporation,
14th Floor, Dr. SPM Civic Centre,
JLN Marg,
Minto Road,
New Delhi-110002
3. Shri AK Dixit (Technical Lab)
Through its ADC (Engg.)
9th Floor, Dr. SPM Civic Centre,
JLN Marg,
Minto Road,
New Delhi-110002

- Respondents

(By Advocates: Mr. RV Sinha and Ms. Punam Singh)

ORDER (Oral)

MS. NITA CHOWDHURY:

The applicant has filed this Original Application (OA), claiming the following reliefs:-

- “(i) Set aside the order of initiating departmental proceedings against the Applicant vide order dated 12.02.2018 passed by Respondent No.3 and approved by Respondent No.2 in violation of Articles 14,16 and 21 of the Constitution of India besides the Rules and Regulations applicable to the Applicant.
- (ii) Call for the record of the case.
- (iii) pass such other and further order as may deem fit and proper.”

2. When the matter is taken up, both the counsel for the parties are present. It is noticed that on 31.01.2019, we had asked the counsel for the applicant to explain how a file noting can become a cause of action for institution of this OA. File noting is a normal procedure undertaken by all departments before they come to some conclusion and subsequently issue the impugned order. Counsel for the applicant could not show any order, which is impugned in this OA.

3. The counsel for the respondents has correctly pointed out that this OA deserves to be dismissed at this stage itself as there is no impugned order in this matter.

He further relies upon the detailed case law by the Hon'ble Supreme Court in the case of **Shanti Sports Club & Anr. v. Union of India & Ors.** in Civil Appeal Nos. 8500-8501 of 2001 and draws our attention to Para 37 thereof which reads as under:-

“37. As a result of the above discussion, we hold that the noting recorded in the official files by the officers of the Government at different levels and even the Ministers do not become decision of the Government unless the same is sanctified and acted upon by issuing an order in the name of the President or Governor, as the case may, authenticated in the manner provided in Articles 77(2) and 166(2) and is communicated to the affected persons. The notings and/or decisions recorded in the file do not confer any right or adversely affect the right of any person and the same can neither be challenged in a court nor made basis for seeking relief. Even if the competent authority records noting in the file, which indicates that some decision has been taken by the concerned authority, the same can always be reviewed by the same authority or reversed or overturned or overruled by higher functionary/authority in the Government.”

4. Quite clearly, this is a premature OA without any cause of action and which has been filed on the basis of some apprehension which the applicant has. Accordingly, this OA is dismissed as premature. No costs.

(S.N. TERDAL)
MEMBER (J)

(NITA CHOWDHURY)
MEMBER (A)

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