

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1826/02

This the 23rd day of July, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A.T. RIZVI, MEMBER (A)

Naveen Joshi,
S/o Sh. R.K. Joshi,
aged 44 years,
R/o BB/5-G, DDA (MIG) Flats,
Munirka, New Delhi-110067.
(Applicant in person)

...Applicant

Versus

1. Govt. of NCT of Delhi
Brigadier Ranvir Singh
Dy. Director General,
Directorate of NCC,
NCC Department,
Old Secretariat, Delhi.
2. Shri S.S. Garbyal,
Conservator of Forests & Chief Wildlife Warden,
Govt. of NCT of Delhi, A-Block, II Floor,
Vikas Bhawan, I.P. Estate, New Delhi-110002.
3. Smt. Archana Singh,
Dy. Conservator of Forests (HQ.),
O/o the Conservator of Forests & Chief Wildlife Warden,
Govt. of NCT of Delhi, A-Block, II Floor,
Vikas Bhawan, I.P. Estate, New Delhi-110002.
4. Shri Subhash Chandra,
Dy. Conservator of Forests (West Division),
Govt. of NCT of Delhi, Mandir Lane,
New Delhi-110060.
5. Shri G.S. Negi,
Assistant Conservator of Forest,
O/o the Conservator of Forests & Chief Wildlife Warden,
Govt. of NCT of Delhi, A-Block, II Floor,
Vikas Bhawan, I.P. Estate, New Delhi-110002.
6. Govt. of NCT of Delhi through
Chief Secretary, Delhi
Delhi Sectt., I.P. Estate,
New Delhi-110002.

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard.

2. Applicant has filed this OA seeking following reliefs:-

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"i) This Hon'ble Tribunal may kindly be pleased to quash the unwarranted Articles of Charge/direct the Respondent No.1 to revoke Articles of Charge in the light of the facts detailed in paras-4.20 to 4.26 and 4.37 above with all consequential benefits.

ii) The Respondents No.1 to 5, Govt. of NCT of Delhi may kindly be directed to pay the exemplary cost to the Applicant atleast to the extent of Rs.20,00,000/- (Rupees Twenty lakhs only) for the harassment, mental agony, sufferings and the extensive damages done by them as detailed in para-4.34: a) to e) above. This Hon'ble Tribunal may also kindly like to pass a befitting judgement so that authorities taking undue advantage of their position and power do not unjustifiably harass, damage and play with the life of any official and his family as is being done in the present case - as every employee (male or female) serving in junior position living under weak circumstances cannot struggle for justice, either he/she collapses, commits suicide or goes on suffering quietly.

iii) The Respondents may kindly be directed to pay Rs.10,000/- (Rupees Ten Thousand only) as the expenses of the present litigation to the Applicant.



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iv) This Hon'ble Tribunal may kindly direct to release the promotions of the Applicant for the post of Grade-II (DASS) under ACP Scheme otherwise maintaining his original seniority from the date his juniors got promotions in 1997.

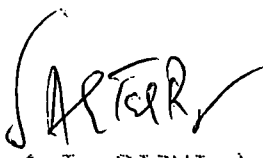
v) Any other relief to which the Applicant may be entitled under the circumstances found and determined by this Hon'ble Tribunal be also kindly granted in the interest of justice."

3. Applicant was issued a chargesheet levelling allegations as contained in articles annexed in the chargesheet Annexure-A. The allegations show that the applicant is being proceeded departmentally on the allegation that he has levelled certain allegations to the SC/ST community and misbehaved and misconducted with his colleagues. While issuing chargesheet applicant was asked to submit representation within 10 days of the receipt of the memorandum on a written statement and also whether he wants to be heard in person. Applicant submits that he has not been supplied various documents so he is not able to reply. But in the alternate applicant in this OA is praying for quashing of the chargesheet and revoking Articles of Charge in the light of the facts detailed in paras 4.20 to 4.26 and 4.37. The reading of those paragraphs only show that the applicant has levelled general allegations of bias against the respondents and he does not want that the enquiry officer should conduct and decide the allegations levelled against him.

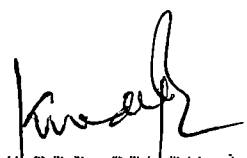
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4. On going through these allegations, we find that these are not good enough to quash the chargesheet at this stage. Moreover, we have to decide whether the applicant has committed any misconduct or not. First of all the applicant should face the enquiry and thereafter the disciplinary authority should decide on the basis of the findings submitted by the enquiry officer as to what final order has to be passed. So we find that the applicant has not made out any case for quashing of the chargesheet at this stage. Accordingly the OA has to be dismissed in limine.

5. Since the applicant has also stated that he has not been supplied with the copies of the documents asked for by him so that he can make his proper grievance. So we direct the respondents at this stage to supply all the relevant documents asked for by the applicant. Thereafter the applicant be given 10 days time to file reply to the chargesheet and then the department can proceed with the departmental enquiry in accordance with the CCS (CCA) Rules. OA is dismissed. No costs.



(S.A.T. RIZVI)
Member (A)



(KULDIP SINGH)
Member (J)

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