

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 20th day of February Two Thousand And Twenty

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

THE HON'BLE MR. T. JACOB, MEMBER(A)

O.A.310/01708/2019

Amutha Pandiyarajan,

W/o. V. Pandiyarajan,

Aged about 54 years,

Residing at No.80, Sandal Avenue,

Anna Enclave, Injambakkam,

Chennai-600 115.

.Applicant

(By Advocate: M/s. K. Nithyashree)

Vs.

1. Union of India Rep. by
The Director (Expenditure),
Department of Expenditure,
Room No.76, New Delhi-110 001;
2. The Controller General of Accounts,
O/o. Controller General of Accounts,
Block-E, GPO Complex, INA,
New Delhi- 110 023;
3. The Joint Controller General of Accounts (Vigilance Section),
O/o. Controller General of Accounts,
Room No.211, Mahalekha Niyantrak Bhawan,
GPO Complex, E-Block, INA,
New Delhi-110 023.

.....Respondents.

(By Advocate: Mrs. Shakila Anand)

ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

This is an OA filed seeking the following relief:-

“to call for records relating to charge memo dated 29.08.2019 vide No. C-11021/20/11/CGA/CVO/Amutha P/2011/Pt.II/Vol.III/978 issued by the 3rd Respondent and quash the same and direct the Respondents to exonerate the applicant of all the charges and grant all consequential benefits;

ii. to award costs, and pass such further and other orders as may be deemed and proper and thus render justice.”

2. The applicant herein also seeks an interim order and stay of the charge memo issued dated 29.8.2019 as it was issued on same set of facts for which a charge memo was issued earlier on 11.4.2016.

3. OA was admitted and notice was issued on the interim relief sought by the applicant. The respondents appeared and filed a brief objection against the interim relief and also challenged the jurisdiction of this bench in proceeding with matter.

4. We have heard both sides. The brief facts of the case is as follows: -

The applicant is working as Dy. Controller of Accounts at New Delhi. While so, the respondents had issued a charge memo dated 3.6.2013 for alleged acts of commissions and omissions. The applicant immediately submitted her reply on 25.6.2013. But the respondent on 11.4.2016 issued a fresh charge memo with three articles of charges. According to her, the said charges were also same as in the earlier charge memo. The applicant filed her reply on 26.4.2016 denying the charges and inquiry proceedings were started. After completion of

enquiry, she had filed her written submissions on 13.2.2017. The enquiry officer submitted his report on 12.4.2017 holding that the charges are not proved. The applicant submitted her submission before Respondent No.3 on 17.6.2017 for exonerating her from charges framed against her. Respondent No.3 disagreed with the findings and held that charges 1 & 2 were proved. She filed her disagreement note to the same on 2.4.2018. After a lapse of one year, a fresh charge memo was issued on 29.8.2019 which is challenged in this O.A.

5. On going through the pleadings, it can be seen that the cause of action had arisen in Delhi where the applicant was working and she had participated in the inquiry and proceedings there. Now the disciplinary authority had issued a fresh charge memo against her. So, she is challenging the same before this Bench. According to the counsel for the applicant, the applicant is on leave and is now residing at Chennai and according to the Counsel for the applicant, this Tribunal has jurisdiction to entertain this O.A. Her present address is also shown in the new Charge Memo (Annexure A12) and she had filed her representation against it from Chennai dated 17.9.2019 (Annexure A13).

6. Section 19 of the Administrative Tribunals' Act states that *"a person aggrieved of any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance"*. The Government of India had issued the notification giving the jurisdiction of various Benches of the Tribunal. As per the said notification, Chennai Bench has jurisdiction over any order pertaining to any matter arising

in State of Tamilnadu & Union Territory of Puducherry. As per Rule 6 of CAT (Procedure) Rules, an application shall ordinarily be filed by an applicant before the Registrar of the Bench within whose jurisdiction: -

- i) the applicant is posted for the time being or
- ii) the cause of action, wholly or partly has arisen.

Before going to the interim relief, we have to see whether this bench has jurisdiction. Even according to the applicant, the disciplinary proceedings were started in the year 2013. The respondents after filing the reply decided to issue a fresh charge memo in the year 2016 and the inquiry was conducted and the inquiry report was submitted after complying with formalities on 17.6.2017. Respondent No.3, the Disciplinary Authority disagreed with the finding of inquiry officer and found that two charges were proved. The applicant filed an objection note to it. Thereafter the disciplinary authority has decided to issue a fresh charge memo dated 29.8.2019. The applicant is challenging the said charge memo before this bench and seeks to stay the inquiry. On going through the above facts, it can be seen that the original cause of action arose when 1st charge memo was issued in 2013. Thereafter 2nd charge memo was issued and the applicant participated in it and inquiry report was filed. But the disciplinary authority has disagreed with the finding. It was thereafter a fresh charge memo was issued to the applicant who was on leave at Chennai. It can be seen that the present charge memo was also relating to the same facts.

7. The only point to be considered is that whether any of the facts constituting the cause of action had arisen within the jurisdiction of this Tribunal.

8. Admittedly, the applicant is in employment at the Delhi office. She has come to Chennai on leave. The fact that charge memo was sent to her address at Chennai will not change the jurisdiction. None of the facts constituting the cause of action has taken place within the jurisdiction of Chennai Bench. None of the irregularities had taken place in the jurisdiction of this Bench. The impugned order was passed at Delhi and according to the respondents only Principal Bench has jurisdiction.

9. We find merit in the objection raised by the respondents' counsel regarding jurisdiction in this case. Hence we find that Chennai Bench has no jurisdiction in this OA. Hence we order to return the OA to be presented before proper bench having jurisdiction.

10. OA is disposed of accordingly. No costs.

(T. JACOB)
MEMBER(A)

Asvs

20.02.2020

(P. MADHAVAN)
MEMBER(J)