

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-2603/2019

New Delhi, this the 29th day of January, 2020



Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

P.I. Sahu (aged about 56 years)
Group A, Designation-Director
S/o Plancherail Koshy Itty
R/o House No. 168, Medha Apartment
Sahkarita Marg, Near Samachar Apartment
Mayur Vihar, Phase-I, East Delhi
Delhi-110091. ... Applicant

(through Sh. Nalin Kohli with Ms. Harvinder Oberoi and Ms. Avika Madhura)

Versus

The Chairman
Central Board for Secondary Education(CBSE)
Shiksha Kendra
2, Community Centre, Preet Vihar
Delhi-110092. ... Respondent

(through Sh. Maninder Singh, learned senior Advocate with Sh. M.A. Niyazi and Ms. Nehmat Sethi)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

The applicant is working as Director (North East) of Central Board for Secondary Education (CBSE). The disciplinary authority (DA) issued a charge memo dated 12.07.2019 to the applicant. Two articles

of charge were framed. This OA is filed challenging the charge memo and various steps that ensued thereafter.

2. The applicant contends that, the entire basis for the initiation of the disciplinary proceedings against him is an anonymous letter of the year 2006. It is said to have been dealt with at various levels by the CVC, from time to time, and ultimately, no action has been taken thereon. It is stated that in the recent past, he addressed a letter to the higher administration, taking exception to the appointment of a Chief Vigilance Officer, and the latter, in turn, has generated various letters and documents, to lay foundation for the disciplinary proceedings.



3. The applicant contends that, stale matters referable to the year 2001, are being dug up and that the initiation of disciplinary proceedings on the basis of anonymous or pseudonymous letters, is contrary to the very guidelines issued by the CVC itself. The applicant has also alleged mala fides.

4. On behalf of the respondents, detailed counter affidavit is filed. It is stated that the anonymous complaint referred to, by the applicant is not the sole basis for the proceedings and that, in the recent past, the applicant was found to have addressed letters, that too, on the letter head of the CBSE, seeking favour from the management of private institutions. It is also stated that, the CVC and the Ministry of Human Resource Development, have conducted preliminary inquiry and only

when it was felt that a regular inquiry is needed, disciplinary proceedings were initiated.

5. It is also stated that the truth or otherwise, of the allegations made in the charge memo need to be examined in the course of regular inquiry or by the DA, and that the OA is not maintainable.



6. We heard Sh. Nalin Kohli, learned counsel for the applicant and Sh. Maninder Singh, learned senior counsel for the respondents.

7. The charge memo was issued to the applicant under Rule 14 of the CCS (CCA) Rules, 1964. Two articles of charge are framed. We do not propose to reproduce them, having regard to the enormous details contained therein. It is no doubt true, that at the first blush, one would get an impression that, proceedings are initiated on the basis of an anonymous complaint received by CVC, way back in the year 2001. If one takes into account, the time at which, the letter was received and the initiation of proceedings in the year 2009 on the basis of that, it is prone to be treated as an inquiry into a stale matter. In fact, the CVC itself has discouraged the practice of initiation of disciplinary proceedings on the strength of such letters. However, the matter does not end at that.

8. In the article of charge, reference is made to the letters said to have been addressed by the applicant, as recently as on 01.04.2012, 16.04.2012, and 04.02.2016. The allegation against the applicant, on

the basis of those letters is that, he sought favour from the management of private institutions, in the context of appointment of his wife as Vice Principal or Principal, as the case may be.



9. The truth or otherwise, of the allegations, needs to be gone into in the course of inquiry. It cannot be said that the proceedings are either without any legal basis or competence. This is not a case in which the charge memo was issued by an authority not vested with the power, nor it is a case in which, no misconduct can be perceived, even if the charges against the applicant are taken on their face value. It shall be open to the applicant to raise all the contentions, both on facts and law, during the course of inquiry as well as before the DA.

10. We, therefore, dismiss the OA, however, by directing that the contention raised by the applicant, on the questions of facts and law, shall be dealt with by the IO as well as DA, at relevant stages. The disciplinary proceedings shall be concluded as early as possible, preferably, within six months from the date of receipt of a copy of this order. Needles to mention that, the applicant shall extend cooperation. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/