

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 118/2001

New Delhi this the 14th day of March, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K.Majotra, Member (A)

S.P.Gera,
Contoller of Administration,
CSIR, Madras Complex,
Taramani Post Office, Chennai

.Applicant

(By Advocate Shri Suman Doval)

VERSUS

1. Council for Scientific and
Industrial Research, Anusandhan
Bhawan, Rafi Marg, New Delhi.
2. National Institute of Science
Communication through its Director
Dr.K.S.Krishnan, Marg, New Delhi.
3. Dr.V.K.Gupta,
Director,
National Institute of Science
Communication, Dr.K.S.Krishnan
Marg, New Delhi-12.
4. Mr.P.S. Khuntia,
Inquiring Authority,
Central Vigilance Commission,
Satarkta Bhawan, A Block,
GPO Complex, INA, New Delhi.

..Respondents

(By Advocate Shri Manoj Chatterjee
learned counsel with Ms.K.Iyer)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

In this application, the applicant has sought the
following reliefs:-

"(a) Call for the records of the case;

(b) Allow the applicant inspection of
all the documents and take photocopies
thereof listed in his letter and annexed as
Annexure A-14;

(c) Pass any other/further order which
this Hon'ble Court may deem fit and proper
in the facts and circumstances of the
case".

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2. We have heard Shri Suman Doval, learned counsel for the applicant and Sh. Manoj Chatterjee, learned counsel for the respondents and perused the relevant documents on record.

3. The brief relevant facts of the case are that the applicant has been issued Memo. dated 19.8.1999 by which the respondents have proposed to hold an Departmental enquiry against him under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 (hereinafter referred to as 'the Rules'), as made applicable to respondents/CSIR for what they have alleged administrative and financial irregularities in Publication Information Department (PID) now known as NISCOM. We note that in this Memorandum, the respondents have annexed Annexure I statement of articles of charge framed against the applicant, Annexure II statement of imputation of misconduct or misbehaviour in support of the articles of charge, Annexure III a list of documents by which the article of charges were proposed to be sustained which shows a list of 29 documents and Annexure IV a list of witnesses by whom the articles of charges were proposed to be sustained. One of the contentions of the learned counsel for the applicant is that even the documents listed in Annexure III of the Memorandum of charges were not completely given to the applicant. This has been denied by the respondents. They submit that in addition to these documents which have been given in Annexure A-III, the applicant had submitted a representation dated 25.8.2000 in which he had asked

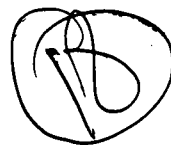
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further 147 documents. To this, the respondents have given reply by their letter dated 5.9.2000 in which it has been stated, inter alia, that all the documents excepting certain documents mentioned in that letter, have been found relevant for the Departmental enquiry against the applicant. This letter has been issued by the Inquiring Authority to the Presenting Officer, with a copy to the applicant to supply photo copies of the documents found relevant and inspection of the same to the Charged Officer. In addition to this, we note that the respondents have also issued another letter dated 26.9.2000 (Page 109A of the paper book). In this letter, the aforesaid documents have been comprehensively dealt with and the position with regard to each document has been indicated. Learned counsel for the applicant has contended that this letter dated 26.9.2000 is not issued by the disciplinary authority but by the Controller of Administration, who is not the competent authority. He has also submitted that all the documents he has requested in the aforesaid letter dated 25.8.2000 are very relevant and should be dealt with by the respondents, in accordance with the relevant law, rules and instructions.

4. Learned counsel for the applicant has also taken a plea that the charges levelled against the applicant are vague. This has been controverted by Shri Manoj Chatterjee, learned counsel for the respondents. We have perused the five articles of charges levelled against the applicant together with the statement of imputations of

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charges and other materials on record. We are unable to agree with the contention of the learned counsel for the applicant that the charges are vague as the facts and allegations relating to each of the charges and their contents have been given in clear terms. This contention of the learned counsel for the applicant is, therefore, rejected.

5. Learned counsel for the respondents in all fairness has submitted that with regard to the other contention of the learned counsel for the applicant, the same can be disposed of by a suitable direction to the respondents to re-consider the request of the applicant in his letter dated 25.8.2000 for supplying copies of the relevant/ existing documents by the competent authority. He has brought to our notice a similar order issued by the Delhi High Court dated 18.12.2001 in Dr.J.Sundaresan Pillai Vs.CSIR and Others (Writ Petition No.7656/2001), copy placed on record.

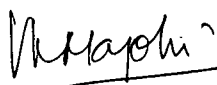
6. Taking into account the nature of the reliefs prayed for by the applicant and the aforesaid submissions made by the learned counsel for the parties, the OA is disposed of with the following directions:-

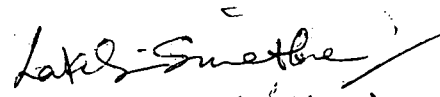
The competent authority / Director in Charge to re-consider the request of the applicant made in his letter dated 25.8.2000 in accordance with law and rules within a period of one month from the date of receipt

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of a copy of this order. In case copies of any of the documents or inspection of the same, as requested by the applicant are not being allowed, the same shall be done by passing a speaking and reasoned order. Accordingly, the interim order dated 12.1.2001 stands vacated. No order as to costs.


(V.K.Majotra)
Member(A)


(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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