

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 151/2001

7

New Delhi: this the 7th day of MARCH, 2001

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Ajay Kumar Goyal,
S/o Shri Jai Gopal Goyal,
R/o 57B, Block 'D',
Kanchanjanga Apartments,
Sector 53,
Noida.

Employed as

Senior Auditor,
in the Office of the Director of Accounts,
Cabinet Secretariat,
East Block No.9,
Level 7,
Ram Krishna Puram,
New Delhi-66

...Applicant.

(By Advocate: Shri B.B.Raval)

Versus

Union of India,
through
the Cabinet Secretary,
Govt. of India,
Rashtrapati Bhawan,
New Delhi-1.

2. The Secretary,
Cabinet Secretariat,
Govt. of India,
Room No.7, Bikaner House Annex,
Shah Jehan Road,
New Delhi-11

3. The Director of Accounts,
Cabinet Secretariat,
East Block No.9, Level 7,
R.K.Puram,
New Delhi-66.

4. Shri C.V.Avadhani,
Principal Accountant General (Audit),
Chennai,
Tamil Nadu.

5. Smt.Sunita Bhardwaj,
Deputy Director of Accounts,
In the Office of the Director of Accounts,
Cabinet Secretariat,
East Block No.9,
Level 7,

Rama Krishna Puram,
New Delhi-66.

...Respondents.

(8)

(By Advocate: Shri Madhav Panikar)

ORDER

S.R.Adige, VC(A):

Applicant impugns respondents' OM dated 20.12.2000 (Annexure-A) and dated 3.1.2001 (Annexure-B). He seeks a direction to respondents to appoint an adhoc disciplinary authority, and to start the whole enquiry afresh with a new Enquiry Officer of the choice of the Disciplinary Authority and not of the outgoing disciplinary authority.

2. Applicant has been chargesheeted under Rule 14 CCS(CCA) Rules vide OM dated 25.4.2000 (Annexure-A Colly) on 4 Articles of charge, regarding his claim that his parents were fully dependent on him, and their monthly income from all sources was less than Rs.500/- p.m. and the alleged wilful withholding/supressing of required information/facts and alleged furnishing of fraudulent documents. That OM dated 25.4.2000 and respondents' OM dated 5.7.2000 rejecting applicant's representation against initiation of disciplinary proceedings have been challenged by him in OA No.1391/2000. Applicant's prayer for an interim direction to stay the disciplinary proceedings initiated against him vide impugned order till the disposal of the OA has been rejected by order dated 29.8.2000, and that OA is awaiting completion of pleadings upon which it will be taken up for hearing.

3. The impugned OM's dated 20.12.2000 and dated 3.1.2001 in the present OA stem from the same disciplinary proceedings initiated vide OM dated 25.4.2000, which has been challenged by applicant in OA No.1391/2000, and which is awaiting adjudication.

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(9)

4. If after filing of OA No. 1391/2000 by applicant certain further developments had taken place in the DE, namely completion of the enquiry and service of the enquiry report on applicant vide impugned Memo dated 3.1.2001, it was open to applicant to have sought amendment of that OA. Filing of the present OA No. 151/2001 on what is essentially the same cause of action namely initiation of disciplinary proceedings against applicant vide OM dated 25.4.2000, is clearly hit by Order 2 Rule 2 CPC as well as by Rule 10 CAT(Procedure) Rules, which *inter alia* lays down/that an application shall be based on a single cause of action. The present OA in the above circumstance is not maintainable.

5. This OA is therefore dismissed. No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
Member (J)

S. R. Adige

(S. R. ADIGE)
Vice Chairman (A).

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