

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1841/2001

Thursday, this the 26th day of July, 2001

Hon'ble Shri Govindan S. Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri Dinendra
S/O Shri K.S.Verma
R/O B-389 Sector-19, Noida
Presently working as
AAO, PODGW, CPWD
Nirman Bhawan, New Delhi.

..Applicant.

(By Advocate: Shri Atul Bandhu)

Versus

1. Union of India
Through Secretary
Ministry of Urban Development
& Poverty Alleviation
Nirman Bhawan,
New Delhi-2.
2. Chief Controller of Accounts
Ministry of Urban Development
Nirman Bhawan
New Delhi.
3. Central Public Works Department
Ministry of Urban Development
Nirman Bhawan,
New Delhi through D.G. (Works)

..Respondents

O R D E R (ORAL)

By Hon'ble Shri Shanker Raju, M (J):-

We are conscious of the jurisdiction of this Tribunal to interfere at an interlocutory stage with the disciplinary proceedings. The proceedings can be interfered only when the charges have been issued without jurisdiction and on perusal of the material, there is no misconduct is made out. In this view of ours, we are fortified by the ratio of Hon'ble Apex Court in Union of India & Ors. Vs. Upendra Singh, (1994) 3 SCC 357. The applicant by way of this OA has prayed the following relief:-

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- "a) To direct the respondents to hold enquiry against Mr. D.D.Gupta, EE, Sh. O.P.Bhatia, SE, ASW, and the contractor simultaneously and also to launch the criminal proceedings against the culprits.
- b) To debar the vigilance department of CPWD to play any role in the inquiry against applicant and the task be assigned to any other authority of any other department of the country preferably the Central Bureau of investigation.
- c) To call for the report from CFSL for identifying the handwriting, ink, pen as well as the date of the tampering done in the figures in the documents annexed herewith as Annexure-1&3.
- d) To order for detailed investigation regarding the fact of the proposed enquiry in the corruption case of Sh. O.P.Bhatia and Sh. D.D.Gupta, which has not yet been initiated despite, repeated noting in the vigilance file.
- e) To call for record of the case, and direct enquiry as to why the charge of tampering has not been framed against the above said officers also.
- f) To examine the circumstances under which the contractor, despite there being the record of tampering the tender documents, has been awarded the arbitration & order accordingly.
- g) To direct to conduct the investigation about the habitual and regular irregularities committed by Sh. D.D.Gupta in tampering the tender documents on the one hand and also regularly not granting the certificate etc. in terms of the manual, as observed in the enclosed record.
- h) To direct to initiate the criminal proceedings of forgery, cheating, mischief, criminal breach of trust as well as criminal misappropriation of money and also under the prevention of corruption act and/or other appropriate act or rules against guilty officials."

2. From the perusal of the above, we find that the applicant is seeking an interference at an interlocutory stage of the disciplinary proceedings. Some of the reliefs prayed by him are beyond the jurisdiction of the Court. We

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do not find any jurisdictional error or case of no misconduct in the proceedings. The applicant has liberty to assail any final order arrived at in the disciplinary proceedings after due participation how the objections which have been taken before us can be taken either before the Enquiry Officer or with the disciplinary authority. At this stage, we do not find any fit case to interfere. The OA is accordingly dismissed at the admission stage itself with liberty to the applicant to assail any final order passed in the disciplinary proceedings after availing the remedies in accordance with law.

S. Raju
(Shanker Raju)
Member (J)

/sunil/

Govindan S. Tampi
Member (A)