

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 2404/2001

New Delhi this the 12th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Vidya Nand Sharma  
S/o late Shri Udai Narain Sharma  
R/o F-48, Lado Sarai,  
New Delhi-110030.

-Applicant

(Applicant in Person)

Versus

1. Union of India through Secretary  
Department of Personnel,  
Govt. of India,  
New Delhi-110001.
2. Govt. of Delhi through Principal  
Secretary (Medical) Delhi Secretariat  
I.T.O. Delhi.
3. Medical Superintendent L.N.J.P.  
Hospital, New Delhi-110002.
4. Dr. Bharat Singh, Ex. Medical Superintendent  
through Medical Superintendent, L.N.J.P.  
Hospital, New Delhi.
5. Shri Raj Singh, Advocate,  
through Medical Superintendent,  
L.N.J.P. Hospital, New Delhi.
6. Dr. R.N. Baishya  
Inquiry Officer, through Medical Supdt.  
L.N.J.P. Hospital, New Delhi.
7. Dr. Bishnu Kumar, Ex. Medical Supdt.  
Through Medical Supdt.  
Lok Nayak Hospital, New Delhi.
8. The Dy. Commissioner of Police,  
Police Headquarter, Special Branch,  
New Delhi-110002.

-Respondents

ORDER (Oral)

By Mr. V.K. Majotra, Member (A)

We have heard the applicant.

2. The applicant has made this application seeking declaration of document (Annexure R-8) filed by

the respondents with the counter reply dated 16.4.99 in OA 2498/98. He has alleged that the said document is a false and fabricated document. This document had been made a basis of a charge (Article-1) in disciplinary proceedings against the applicant. The aforesaid charge has been held proved by the Enquiry officer, the Disciplinary Authority as also the Appellate Authority based on the findings arrived at in the disciplinary proceedings against the applicant. A penalty of dismissal from service against him was impugned by the applicant in OA-2498/98. The said OA was dismissed vide order of the Tribunal dated 20.7.2000. The applicant filed review application against Tribunal's order dated 20.7.2000 which was dismissed by order dated 29.9.2000. The applicant also filed an M.A. being M.A. No. 1895/2001 praying to initiate criminal proceedings against the respondents under Section 193 of the Indian Penal Code for submitting a false and fabricated document in the judicial proceedings, the same document which has been produced by the respondents in OA-2498/98. MA-1895/2001 was dismissed in limine. The applicant filed C.P. 544/2001 on 6.8.2001 against the respondents on the ground for submitting Annexure R-8 as false and fabricated document in OA-2498/98. This Contempt Petition was also dismissed being devoid of merit.

3. In the present matter, the applicant has produced a copy of letter dated 20.8.2001 from Addl. Solicitor General of India addressed to the applicant, which states that the applicant had sought permission

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earlier on by the Additional Solicitor General for initiation of proceedings against the present respondents by way of criminal contempt. However, the Addl. Solicitor General declined to give such permission. Solicitor General of India through letter dated 23.8.2001 after application of his mind to the merits of applicant's request, contended that there is no finding of any judicial forum that the statement in question is false. On the other hand, the Court had acted on the statement and decided the case against the applicant. In the circumstances, the Solicitor General of India held a view that no case was made out for initiation of proceedings by way of criminal contempt. In the present matter, we find that apart from the assertion of the applicant that the aforesaid document i.e. the declaration form is a false document, there is no material on record to substantiate the said claim.

4. In the facts and circumstances of the case and having regard to the above discussion, no case is made out to grant any relief in the present matter and accordingly this OA is dismissed in limine.

5. In view of the dismissal of the main OA, no orders are called for in MAs 2017/2001 and 2018/2001 which are also dismissed.

V.K. Majotra

(V.K. Majotra)  
Member (A)

Ashok Agarwal

(Ashok Agarwal)  
Chairman

cc.