

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O. A. No. 295/99

New Delhi: this the 16th day of March, 1999.

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

HON'BLE MR. T. N. BHAT, MEMBER (J)

Kumar Nityanand,
S/o Shri Shitala Prasad Tiwari,
C/o Shashi Kant Chaube,
R/o D/11, Tisara Pusta, Sonia Vihar,
Delhi. Applicant.

(Applicant in person).

Versus

1. Union of India through
The Secretary,
Department of Agriculture and Cooperation,
Ministry of Agriculture,
New Delhi.
2. Joint Secretary,
Machinery Division,
Department of Agriculture and Cooperation,
Ministry of Agriculture,
New Delhi.
3. Director, Central Farm Machinery Training and
Testing Institute, Budni Madhya Pradesh,
4. Secretary, Department of Health,
Ministry of Health and Family Welfare,
Govt. of India,
New Delhi Respondents.

(By Advocate: Shri N. S. Mehta)

ORDER

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

Applicant impugns respondents' order dated 15.5.98 placing him under suspension and fixing his Headquarters as Budni (Annexure-A12); Memorandum dated 27.7.98 proposing to hold a departmental enquiry against him under Rule 14 CCS(CCA) RULES, 1965 (Annexure-A14) and Office Order dated 18.8.98 (Ann. A-26) stating that he ceased to be Vigilance Officer of CFMT & T Institute, Budni.

(X)

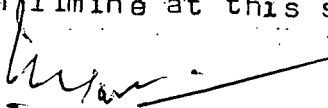
2. We have heard applicant who argued in person and respondents' counsel Shri N.S.Mehta on the preliminary objection raised by respondents that Principal Bench has no jurisdiction in the matter and the cause of action arose in Budni, MP state which is outside the territorial jurisdiction of Principal Bench, New Delhi.


3. A perusal of the contents of the OA reveals that the departmental proceedings are at an initial stage, where the statement of imputations of misconduct has been communicated to the applicant, who was called upon to furnish his written statement as to whether he admits or denies the article of charges. In *WDI Vs. Upendra Singh-1994 (27) ATC 200*, the Hon'ble Supreme Court has held that

"In the case of charges framed in a disciplinary inquiry the Tribunal or Court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law. At this stage, the Tribunal has no jurisdiction to go into the correctness or truth of the charges. The Tribunal cannot take over the functions of the Disciplinary Authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into."

4. A perusal of charges framed makes it clear that serious irregularities have been alleged and it cannot be said that any the charges framed is contrary to law.

5. In the result, even without considering it necessary to rule on the preliminary objection of jurisdiction raised by Shri Mehta, this OA is dismissed in limine at this stage.


(T.N. BHAT)
MEMBER(J)


(S.R. ADIGE)
VICE CHAIRMAN (A).