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Central Administrative Tribunal
Principal Bench

O.A. No. 2051 of 1998

New Delhi, dated this the 6th day of April, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mr. T.N. Bhat, Member (J)

Shri T.C. Kaushik,
S/o late Shri M.R. Kaushik,
R/o D-1/34/35, Palam Extension,
Dwarka Sector 7,
New Delhi-110045.

...Applicant

(By Advocate: Shri B.B. Rawal)

Versus

1. Union of India through
the Secretary,
Ministry of Home Affairs,
New Delhi.

2. The Director,
Intelligence Bureau,
Ministry of Home Affairs,
North Block, New Delhi.

3. The Additional Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
19/1-B, Madhya Marg,
Sector 19-B,
Chandigarh.

... Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER

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

Applicant impugns respondents' Memorandum dated 2.4.97 proposing to hold a departmental inquiry against him on the charge of unauthorised absence from duty since 20.4.96 (Ann. A0 and respondents' Memorandum dated 4.6.98 (Ann. B) passed by the Disciplinary Authority rejecting his prayer for change in the venue of inquiry from Amritsar to New Delhi. Alternatively it has been prayed that if the Tribunal thinks that applicant

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should face the departmental inquiry, respondents may be directed to change the venue of the inquiry from Amritsar to New Delhi.

2. We have heard applicant's counsel Shri Raval and respondents' counsel Shri Krishna.

3. In so far as the change to Memorandum dated 2.4.97 is concerned, the Hon'ble Supreme Court has held in Union of India Vs. Upendra Singh (1994) 27 ATC 200 that examination of the correctness of the charge, particularly at the stage of framing of charges read with imputation of misconduct, is beyond the Tribunal's jurisdiction. As impugned Memorandum dated 2.4.97 is at the aforementioned stage, manifestly any interference at this stage would be violative of the Hon'ble Supreme Court's ruling cited above. Hence the prayer for interference in Memorandum dated 2.4.97 is rejected.

4. As regards Memorandum dated 4.6.98, by this Memorandum, the Disciplinary Authority has rejected applicant's request for change in the venue of the inquiry from Amritsar to New Delhi. On behalf of applicant it has been contended in Para 4.17 of the O.A. that against the Asst. Director, I.B., Chandigarh's Memo dated 12.9.97 (Ann. A-12) rejecting applicant's representation addressed to Addl. Director, Chandigarh for change in venue of inquiry from Amritsar to New Delhi, applicant had filed a representation dated 17.9.97 (Ann. A-13)

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requesting him to allow the change in the venue, but the same had been turned down by the Disciplinary Authority himself, that is the Addl. Director, I.B. vide impugned Memorandum dated 4.6.98, which was illegal, arbitrary and unauthorised.

5. Departmental inquiries are required to be conducted in accordance with the provisions of the CCS (CCA) Rules. Those Rules do not provide for the filing of representations against the decision of the Disciplinary Authority in regard to the venue of a departmental inquiry. No doubt certain orders are appealable, but Rule 22(i) CCS (CCA) Rules specifically bars appeals against interlocutory orders, or orders which are in the nature of a stage in aid of the final disposal of a disciplinary proceeding, other than an order of suspension. As impugned Memorandum dated 4.6.98 is not a final order nor a suspension order, even if applicant's representation dated 17.9.97 were treated as an appeal, the same would be hit by Rule 22(ii) CCS (CCA) Rules, as pointed out in Para 4 of the Memorandum itself.

6. Under the circumstances the challenge to Memorandum dated 4.6.98 also fails.

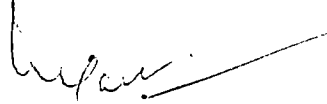
7. As regards the alternative prayer, it is not within the Tribunal's jurisdiction to direct respondents as to which should be the venue of a departmental inquiry.

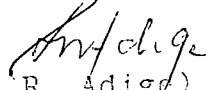
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8. The O.A. is, therefore, dismissed. No costs.


(T.N. Bhat)
Member (J)
/GK/


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