

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.1441/96

New Delhi this the 31st day of July 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr K.Muthukumar, Member (A)

Sunil K. Aggarwal  
S/o R.C. Aggarwal  
R/o E-152, Kamla Nagar  
Delhi-110 007.

...Applicant.

Versus

1. Kiran Kocchar  
Under Secretary (DLAB)  
Govt. of India  
Ministry of Defence

2. Secretary o the Govt. of India  
Ministry of Defence  
New Delhi-110 001.

...Respondents.

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

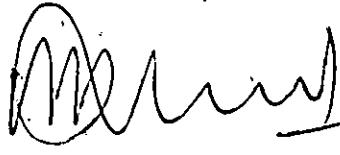
Heard the applicant who is present in person and perused the application. This application is directed against Memorandum No.5(7)/94/D(Lal) dated 7th July 1995 and seeking to quash the same. The memorandum in question is an order of the President informing him of a disciplinary proceedings proposed to be held against him for certain misconduct. Annexures to the memo are statement of articles of charge, statement of imputation of misconduct, list of documents and list of witnesses. The applicant has stated that the memo of charges and the annexures thereto are not valid for the reason that the annexures to the memo have neither been signed nor authenticated, that he has not been informed as to who is the Disciplinary Authority

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and that the memo has been delivered to him through the Army while he is not a member of the Army. Having heard the applicant who is present in person and having given our anxious consideration to the facts disclosed in the application, we find that there is no real grievance of the applicant which needs a redressal. The understanding of the applicant that the memo of charges would be valid only if the annexures thereto are also signed or authenticated does not appear to be based on any provision of law. We have perused Rule 14 of the CCS (CCA) Rules and also the Standard Form for major penalties. Requirement of Rule 14 will be satisfied if the competent authority frames charges and it is delivered alongwith statement of articles of charges, statement of imputation and list of documents and list of witnesses intended to be examined in support of the charge. All these have been done in this case. There is no requirement either in the Rule or in the Standard Form that the Annexures to the memo *by an Competent Authority* should be signed. The contention of the applicant is that since the memo of charges has been issued to him through the Army, the same cannot be treated as valid has no force at all. The statement in the application that the applicant is kept in the dark about the identity of the Disciplinary Authority also amounts to shutting his eyes to the memo of charges which has been signed for the President.

2. In the light of what is stated, we do not find anything in this application for admission and for further deliberation. Therefore, the application is rejected under Section 19 (3) of the Administrative Tribunals Act.

  
(K. Muthukumar)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (J)

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