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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 130/97

New Delhi: this the 27th day of February, 2001

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

L.D'Souza,
S/o Shri Vincent D'Souza,
R/o : C/O Shri Naithu Pradhan,
P.O. Ghiltorni,
New Delhi-30

Employed as

Deputy Field Officer (Telecom)

in the Research and Analysis Wing,

Cabinet Secretariat,

Govt. of India

New Delhi

.....Applicant

(Presently U/s)

(By Advocate: Shri B.B. Raval).

Versus

1. Union of India,
through
the Cabinet Secretary,
Govt. of India,
Rashtrapati Bhawan,
New Delhi-1

2. The Secretary,
Research & Analysis Wing,
Cabinet Secretariat,
Govt. of India,
Room No. 7, Bikaner House Annexe,
Shah Jehan Road,
New Delhi-11

3. Shri Gaurinder Singh,
Joint Secretary (Pers),
Research and Analysis Wing,
Cabinet Secretariat,
Govt. of India,
Room No. 7, Bikaner House Annexe,
Shah Jehan Road,
New Delhi-11

.....Respondents.

(By Advocate: Shri Madhav Panikar)

ORDER

S.R. Adige, VC (A):

Applicant impugns respondents' letter dated 17.10.96
(Annexure-A) rejecting his representation dated 20.9.96,
as well as Memo dated 19.12.96 (Annexure-B) rejecting his

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appeal dated 26.10.96. Consequent to the aforesaid relief being granted, he seeks a direction to respondents to send him back to Rajkot, and he also prays for costs.

2. Applicant had earlier filed OA No. 2185/95 contending that Shri Gaurinder Singh, JS (Pers.) RAW, Cabinet Secretariat, GOI, New Delhi had initiated disciplinary proceedings, though he lacked jurisdiction in this behalf.

3. The Tribunal disposed of the OA by its order dated 10.9.96 holding that whether or not Shri G. Singh, J.S. (Pers) had jurisdiction, was a matter which atleast in the first instance was to be decided by Shri G. Singh, JS (Pers) himself. Accordingly applicant was granted permission to raise his objections before Shri G. Singh, JS (Pers.) through a representation, upon which Shri G. Singh JS (Pers) was called upon to pass a speaking order thereon within a specified time limit.

4. Pursuant to the above, applicant made a representation on 20.9.96 which was rejected by means of a speaking order vide Shri G. Singh, JS (Pers) letter dated 17.10.96 upon which applicant has filed the present OA.

5. By interim order dated 21.3.97 on MA No. 719/97 arising out of the present OA, the departmental proceedings were all-owed to continue, but respondents were directed not to pass final orders in the disciplinary proceedings till the disposal of the OA. That interim order is still continuing.

6. Meanwhile the Inquiry Officer has submitted his report and a copy of the IO's report has been furnished to applicant who has also submitted his representation on the same.

7. Prior to the DE., applicant stood suspended w.e.f. 20.9.95 and that order of suspension continues.

8. The ground advanced to challenge the jurisdiction of JS(Pers) to initiate disciplinary proceedings against applicant by Memo dated 1.11.95 (Annexure-A6) is that respondents' order dated 12.9.95 (Annexure-A4) relieving applicant from his duties at Rajkot and directing him to report at Hqs. Delhi, was not an order transferring him to Delhi Hq., but only an order requiring his presence at Delhi for temporary duty. It is contended that applicants Hq. still continued to remain Rajkot and hence he was not within the jurisdiction of JS(Pers.).

9. Respondents' aforesaid order dated 12.9.95 refers to their T.P. Message dated 11.9.95. Respondents' relevant File No. 1/15/89- Pers. 14 which is the personal file of applicant contains the aforesaid T.P. Message, which states that as per orders of the appointing authority, applicant stands transferred from Rajkot to Hq., New Delhi with immediate effect, and he may be relieved forthwith with direction to join at Hq. by 18.9.95 without fail.

10. Under the circumstance, applicant's contention that he did not stand transferred to Delhi and the JS(Pers.) had no jurisdiction to initiate disciplinary proceedings against him is rejected.

11. The OA is therefore dismissed. Interim order dated 21.3.97 are vacated. No costs.

A. Vedaavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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

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