

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1996/2000

Wednesday, this the 11th day of April, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Narain Singh
S/O Shri Tej Singh
Superintendent
Social Welfare Department
T-493, Baljit Nagar
West Patel Nagar
New Delhi-08.

..Applicant

(By Advocate: Shri Manjit Singh Ahluwalia)

VERSUS

1. Lt. Governor
Govt. of NCT of Delhi
5, Sham Nath Marg
Delhi-54.
2. The Chief Secretary
Govt. of NCT of Delhi
5, Sham Nath Marg,
Delhi-54.
3. The Secretary,
Department of Social Welfare
Govt. of NCT of Delhi
5, Sham Nath Marg,
Delhi-54.
4. The Director
Department of Social Welfare
Govt. of NCT of Delhi
5, Sham Nath Marg,
Delhi-54.
5. The Joint Director
Department of Social Welfare
Govt. of NCT of Delhi
5, Sham Nath Marg,
Delhi-54.

..Respondents

(By Advocate: Mrs. Sumedha Sharma)

O R D E R (ORAL)

By Hon'ble Shri Justice Ashok Agarwal:

Disciplinary proceedings have been initiated
against the applicant vide charge-sheet issued on
8/9.6.2000 on the following articles of charge:-

12.8

"Article-I

Shri Narain Singh while working as CDPO in ICDS Wazirpur Project committed misconduct with Anganwadi workers and sexually harassed them. Shri Narain Singh created an atmosphere of terror, fear and humiliation to female workers. He indulged in unwelcome, sexually determined behaviour in gross violation of Rule 3 (c) of the CCS Conduct Rules.

Article-II

Shri Narain Singh physically assaulted Shri S.C.Tyagi, Sr. Supdt. (Vig.) of Dte. of Social Welfare on 5.2.99 when Shri Tyagi along with Shri K.C.Tiwari Deputy Director (FAS) had gone to HI TB to serve the transfer orders of Shri M.Joseph and Shri Dharmendra Prasad, Welfare Officer.

Article-III

Shri Narain Singh physically assaulted Shri Sailesh Shrivastava another officer of the Department on 9.3.99 in the H.Qtr. premises. This physical assault, which brought on injury on the left part of the face of Shri S.K.Srivastava, is in gross violation of Rule 3 (c) of CCS Conduct Rules.

Article-IV

Shri Narain Singh while working as Superintendent, T.C.P.C. refused to accept his suspension order issued with the approval of the Chief Secretary Delhi on 10.2.99 when a R & 1 official had gone to him to deliver the said order personally. This misdeed of his refusal disobeying the orders of the Govt. is again in violation of CCS Conduct Rules.

Article-V

Shri Narain Singh attempted to bring political influence upon his seniors for revocation of his suspension order, on account of misleading/false facts. He also used the print media by publication of false information in the Daily Newspaper, "Nav Bharat Times" dated 30.11.99 in gross violation of Conduct Rules.

By doing so Shri Narain Singh has acted in a manner which is unbecoming of a Govt. Servant thereby violating rule 3 of CCS (Conduct) Rules, 1964."

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(3)

2. Aforesaid proceedings are initiated for holding a regular enquiry under Rule 14 of the CCS (CCA) rules. Prior to that, an order of suspension was issued against him on 9.3.1999 at Annexure-A. Aforesaid order of suspension ^{as also disciplinary proceedings are} ~~is~~ impugned by the applicant in the present OA.

3. The aforesaid charge sheet dated 8/ 9.6.2000 is issued against the applicant under Rule 14 of the CCS (CCA) Rules without ^{casually} cancelling the earlier charge sheet issued on 21.9.1999 under Rule 19 (ii) of CCS (CCA) Rules. ^{which} ~~The same~~ pertains to an enquiry whether the disciplinary proceedings ~~could be undertaken~~ without holding a regular departmental enquiry. Respondents have thereafter, it appears, been advised not to resort to Rule 19 (II) but to hold a regular departmental enquiry under Rule 14. In the circumstances, fresh charge-sheet dated 8/9.6.2000 has been issued to the applicant. As far as the challenge to the impugned order of suspension of 9.3.99 is concerned, the same, in our view, cannot be successfully assailed in view of the fact that apart from the charge having been served on him on 9.6.2000, ~~the an~~ ^{also} enquiry officer has ^{also} duly been appointed on 2.9.2000.

4. In the circumstances, we are not inclined to interfere at this interlocutory stage in the disciplinary proceedings as also in the order of suspension issued against the applicant. In our further view, there is no merit in the contention advanced by Shri Manjit Singh Ahluwalia, learned counsel appearing for the applicant that his OA is liable to be allowed on the ground that

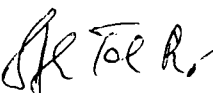
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(4)

the counter reply submitted by the respondents does not deny ^{all the} allegations contained in the present OA.

5.. Present OA is dismissed in the aforestated terms.

No costs.


(S.A.T. Rizvi)
Member (A)

/sunil/


(Ashok Agarwal)
Chairman