

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(9)

O.A.NO.234/2000

New Delhi, this the 18th day of December, 2000

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

Raghunath Singh,
S/O Shri Girdhari Lal,
R/O H.No.78, Sector-9,
R.K.Puram, New Delhi.

..Applicant.

(By Advocate: Sh. H.C.Sharma)

VERSUS

1. U.O.I. through
Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
2. Director-General Health Services,
Govt. of India,
Nirman Bhawan, New Delhi.

..Respondents.

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

O R D E R (ORAL)

Hon'ble Shri Ashok Agarwal:-

The disciplinary proceedings have been initiated against the applicant under the following articles of charge:-

"Article-I

Shri Raghunath Singh, UDC working in the Dte. General of Health Services has committed grave misconduct in as much as that he has contracted a second marriage without obtaining a divorce from his first wife from a Court of Law violating thereby the provisions of Rule 21 of C.C.S. (Conduct) Rules, 1964.

Article-II

Sh. Raghunath Singh, UDC working in the Dte. General of Health Services has exhibited conduct unbecoming of a Govt. servant in as much as that despite repeated directions from the Govt. he has not intimated his marital status violating thereby the provisions of Rule 3 (1) (iii) of CCS (Conduct) Rules, 1964."

N.C.B.

(10)
or

2. Statement of imputations of misconduct misbehaviour in support of the aforesaid articles of charge are as under:-

"Article-I

A complaint against Shri Raghunath Singh, UDC from his wife Smt. Dharambiri Devi alleging desertion was received in this Directorate. The information gathered from Shri Raghunath Singh since 1991 and the contents of the complaint revealed that Shri Raghunath Singh and Smt. Dharambiri Devi were married in the year 1975 and have a daughter. A case for divorce is pending in the court since 1978. Vide his application dated 14.7.94 Shri Raghunath Singh made a request to the Administration-I Section that the following names be included in his CGHS Card as his family:-

S1. No.	Name	Relationship	Date of Birth
1.	Smt. Savitri Devi	Wife	25.3.58
2.	Kum. Lalita	Daughter	09.1.87
3.	Karan Singh	Son	06.9.88
4.	Kum. Dolly	Daughter	13.2.90
5.	Ajit Singh	Son	30.8.92

The CGHS Orgns. vide their Note No.37-1/87-C&P /CGHS-Pt.I) 9894 dated 12.10.94 called for certain clarifications from this Directorate. They desired to know that why Shri Raghunath Singh did not get included the names of his family members earlier.

Since a court case for divorce was still pending between Shri Raghunath Singh and his wife Smt. Dharambiri Devi, Shri Raghunath Singh was directed vide Office Memo No.C.13013/4/87-AV dated 6.6.95 to clarify the position with regard to the difference in the name of his wife indicated by him in his request dated 14.7.94 and also to intimate status of the court case. The matter was pursued with Shri Raghunath Singh through reminders dated 21.8.95, 30.1.96, 14.3.96, 31.7.96 and 9.1.97. The reply dated 13.1.97 received from Shri Raghunath Singh vide Memo dated 14.7.98. But he has not responded in clear terms.


It is thus clear that Shri Raghunath Singh had contracted a second marriage without obtaining divorce from his first wife from a court of law.

Shri Raghunath Singh has thus violated the provisions of Rule 21 of C.C.S. (Conduct) Rules, 1964.

Article-II

Shri Raghunath Singh while working as Telex Operator, during 1995 (now UDC) was directed vide Office Memo No.C.13013/4/87-AV dated 6.6.95 to intimate/clarify his marital status. On being pursued further through reminders dated 21.8.95, 30.1.96, 14.3.96, 31.7.96 and 9.1.97 Shri Raghunath Singh only intimated that the divorce case between him and his wife Smt. Dharambiri Devi was pending in the High Court of Delhi. He, however, did not clarify the reasons for his request for inlcusion of the name of Smt. Savitri Devi as his wife while as per records in this Directorate the name of the wife of Shri Raghunath Singh is Dharambiri Devi. In spite of final Memo dated 14.7.98 Shri Raghunath Singh has furnished an evasive reply vide his letter dated 31.8.98. It is therefore abundantly clear that Shri Raghunath Singh has failed to give reply to the Memos of the Govt. in clear terms and in time which is violative of Rule 3 (1) (iii) of C.C.S. (Conduct) Rules, 1964."

3. By an order passed on 4.1.2000 at Annexure A-I, the disciplinary proceedings have been initiated by appointing an Enquiry Officer. The same is impugned by the applicant in the present OA.

4. Present OA, we find, has been instituted at an interlocutory stage, ~~at a stage when the~~ disciplinary proceedings have merely been initiated. No interference is, therefore, called for at this interlocutory stage. Mere pendency of a divorce petition filed by his first wife and ^{which is} pending in the High Court, will make no difference as far as present ~~petition is~~ ^{disciplinary proceedings are} concerned.

5. Present OA, in the circumstances, is rejected in-limine with an observation that it will be open to the applicant to raise ^{all} contentions raised by him in the

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present OA in the disciplinary proceedings ^{along} with such other points which may become available to him. No costs.

12

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

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Ashok Agarwal
(Ashok Agarwal)
Chairman