

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1916 of 1988

New Delhi this the 7th day of December 1993

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)
THE HON'BLE MR. P.T. THIRUVENGADAM, MEMBER (A)

Surendran K.
Son of Late Shri Krishnan
Office of the Commander
Works Engineer (P)
Hissar, Hissar Cantt.
Haryana

... Petitioner

(By Advocate none)

Vs

Union of India through
Secretary,
Ministry of Defence,
South Block, New Delhi.

Engineer-in-Charge,
Army Headquarters,
Kashmir House,
New Delhi-110 011

... Respondents

(By Advocate Shri M.L. Verma)

ORDER (Oral)

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant was working as Superintendent E/M Grade I in the office of Works Engineer, Hissar, Hissar Cantt, Haryana.

The applicant is aggrieved by a Memo of chargesheet dated 26.5.1988 issued by the Secretary, Ministry of Defence in the name of President initiating disciplinary proceedings and serving article of charges on the applicant and certain other civil employees working with the respondent No. 2.

This application was filed on 20.9.1988 praying for the grant of the reliefs of quashing the impugned order of initiating the disciplinary proceedings against the applicant and consequential reliefs. He also prayed for an interim

↓

relief for setting aside the departmental proceedings but no interim relief was granted to the applicant in spite of the applicant filling the MP No. 156/89 which was also rejected by the order dated 20.1.1989.

This is an old matter and listed for final hearing. The matter was taken earlier before lunch and given a pass over and again taken up after lunch. None appears for the applicant. Shri M.L. Verma appears for respondents. We are disposing of the case on the basis of pleadings on record assisted by the learned counsel appearing for the respondents.

The case of the applicant is that there was a contract agreement for provision of water supply and sewage disposal for ancillary at Hissar with M/s. Deepak Electric and Trading Company in December, 1981. Certain allegations were raised on the basis of which disciplinary proceedings were initiated under Rule 14 of the CCS(CCA) Rules 1965. The applicant has challenged the issue of the chargesheet firstly on the ground of delay as the matter relates to 1984 and the Memo issued on 26.5.1988. Secondly, it is said that there has been an Arbitration Award which justify certain payments made to M/s. Deepak Electric and Trading Company and in view of this misconduct alleged against the applicant is not justified. The respondents in their reply contested the application and stated that on account of allegations which ^{were} prima facie ^{established} ~~were~~ the respondents No. 2 issued a memo initiating the said proceedings. There is no case for staying the same as from the various documents referred to in the annexures as well as the evidence likely to be produced the applicant will have ample opportunity during the course of the enquiry proceedings to meet the same.

1

We have gone through the grounds taken by the applicant in the original application and do not find any substance that it is a case where the allegations do not justify the issue of a chargesheet on the basis of the memo impugned by the application dated 26.5.1988.

The learned counsel for the respondents has also relied on the case of V.P. Sidhan Vs. Union of India and ors decided by the CAT, Madras Bench reported in 1988 (7) ATC, P 402 where the Tribunal held that under Section 19 of the Administrative Tribunals Act what can be legitimately assailed is the final order passed in the proceedings of which the applicant may be aggrieved. This was also the case of disciplinary proceedings where chargesheet was issued and so challenged before the Tribunal and the Tribunal held that there is no case for interference at that stage.

We also find otherwise the right of the employer to proceed in a departmental proceedings for the alleged misconduct which are prima facie evident against its officials.

The contention in the application ~~is application~~ is that the proceedings are being drawn in a malafide manner but the details of malafide are not mentioned either in the grounds or in the facts and neither any of the persons against whom the malafide is alleged is impleaded as a party in the case.

1

We do not find any merit in this application which we dismiss leaving the parties to bear their own costs.

P. J. Thiruvengadam

(P.T. Thiruvengadam)

Member(A)

J. P. Sharma

(J.P.Sharma)

Member(J)

Mittal