

**Central Administrative Tribunal
Principal Bench, New Delhi**



O.A. No. 38/2021

Today, this the 12th day of January, 2021

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Madhulika Bhati, 44 years, Group-A
Principal Scientist, CSIR-NISTADS,
R/o DRH 3, NPL Colony, New Rajender
Nagar, New Delhi-110060.

.. Applicant

(Through Ms. Tamali Wad, Advocate)

Versus

1. CSIR-National Institute of Science,
Technology and Development Studies
CSIR-NISTADS),
Dr. K.S. Krishnan Marg,
Pusa Gate, New Delhi-110012.

2. Director,
CSIR-National Institute of Science,
Technology and Development Studies
CSIR-NISTADS),
Dr. K.S. Krishnan Marg,
Pusa Gate, New Delhi-110012.

3. CSIR-Council of Scientific & Industrial Research
Through its Director General,
Anusandhan Bhawan, 2, Rafi Marg,
Sansad Marg Area,
New Delhi-10001.

.. Respondents

(Through Mr. Gyanendra Singh, Advocate)



ORDER (ORAL)

Justice L. Narasimha Reddy :

The applicant is working as Senior Scientist in CSIR – NISTAD – 1st respondent herein. The Disciplinary Authority issued a charge memo dated 28.10.2020 wherein 8 articles of charge were framed. They were mostly in relation to the award of certain contracts of different nature. This OA is filed challenging the charge memo.

2. The applicant contends that the respondents have initiated disciplinary proceedings against her without even verifying the relevant facts. According to her, even a perusal of the statement of imputation with reference to each article is taken as true, the allegation as to misconduct can be treated as proved and despite that, she is sought to be proceeded against.

3. We heard Ms. Tamali Wad, learned counsel for the applicant and Mr. Gyanendra Singh, learned counsel for the respondents at the admission stage.

4. The charge memo issued against the applicant contains as many as eight articles of charge. The allegations range from illegal award of contract, to causing of financial loss to the organisation by paying exorbitant amount to the contractors. In certain cases it was also alleged while awarding the contracts 100% of advance was paid. The question as to



whether the applicant has resorted to any acts of misconduct or whether the allegations made against her are true, needs to be examined only in the departmental inquiry. The occasion for this Tribunal to interfere with the charge memo would arise only when (a) a charge memo is issued by an authority not vested with the power; or (b) even if the charges are taken as true, cannot constitute acts of misconduct.

5. The instant case does not fit into these circumstances. When the allegation is about serious financial irregularities, it is not at all fair for this Tribunal to assume either way. The department has to prove the allegations against the applicant. In case they fail to do so, the applicant would certainly come out clean and whatever inconvenience is caused to her, such as delay in promotion, can be compensated adequately.

6. Another submission of learned counsel for the applicant is that certain persons who are accused of committing the irregularities as mentioned in the imputation of charge are cited as witnesses. If that is so, the applicant can certainly make representation raising objection as to the inclusion of those persons in the list of witnesses. The Disciplinary Authority as well as the Inquiry Officer shall take such representation into account at the stage of recording of oral evidence.



We do not find any basis to interfere with the charge memo. The OA is accordingly dismissed.

There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

January 12th, 2021

/vv/jyoti/vb/akshaya/sd