

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

O.A. No. 1170/2020

Friday, this the 28th day of August, 2020

(Through Video Conferencing)

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

Sh. Pradeep Kumar Berwah,
S/o.Sh. Ratan Lal Berwah,
Aged about 58 yrs, Group-'A'
Chief Controller of Accounts,
M/o Power, Sewa Bhawan
New Delhi-110 066.

...Applicant

(By Advocate: Mr. Sanjiv Joshi)

Versus

1. UNION OF INDIA,
Through it's Secretary
Department of Expenditure,
Ministry of Finance,
North Block, New Delhi.

2. Smt. Suman Bala,
Joint Controller General of Accounts (Vigilance),
Office of the Controller General of Accounts,
Maha Lekha Niyantrak Bhawan, E-Block,
INA, New Delhi

3. Shri Ajai Kumar Srivastava,
Inquiry Officer and the Retired Deputy Secretary,
306, Pratkar Apartments,
Sector-5, Vasundhra,
Ghaziabad-201012

4. Shri Anthony Lianzuala,
Ex-Controller General of Accounts
C-I/11, Pandara Park,
New Delhi-110003.

...Respondents

(By Advocate: Mr. Ashish Rai)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman:

The applicant is working as Principal Chief Controller of Accounts in the establishment of Controller General of Accounts. A charge memo was issued to him on 22.03.2019, alleging certain acts of indiscipline and misconduct. This O.A. is filed challenging the said charge memo and the subsequent proceedings.

2. The principal ground urged by the applicant is that according to the official memorandum issued in the year 2014, the disciplinary matters of Group 'A' officers in Chief Controller of Accounts (CGA) are required to be processed by the Ministry of Finance, Department of Expenditure, whereas, in the instant case, it is processed by the CGA office.

3. We heard Mr. Sanjiv Joshi, learned counsel for applicant and Mr. Ashish Rai, learned counsel for respondents through video conferencing.

4. At the outset, we refer to the contentions advanced by learned counsel for respondents that the applicant filed O.A. No.803/2020 challenging this very charge memo and that was dismissed.

5. The applicant is facing disciplinary proceedings on various allegations. It is not his case that the charge memo was not issued by the prescribed disciplinary authority. The OM dated 20.10.2014 issued by the Department of Personnel & Training, is purely for internal administrative purposes. For the sake of convenience, certain authorities were identified for 'processing' the disciplinary proceedings. However, there is no mention as regards the appointing or disciplinary authority. Once the charge memo was issued by the prescribed disciplinary authority, it should not make any difference for the applicant as to which authority has processed the proceedings. Further, the O.M. dated 20.10.2014 did not result in modification of the conduct rules. The objections raised in this behalf were adequately answered by the respondents.

6. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no orders as to costs.

(Mohd.Jamshed)
Member (A)

/sunil/rk/akshaya/dsn

(Justice L. Narasimha Reddy)
Chairman