

Central Administrative Tribunal Principal Bench, New Delhi



O.A. No. 1876/2020
M.A. No. 2384/2020

Today, this the 20th day of November, 2020

Through video conferencing

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

Asok Kumar Dikshit
Son of Late J.N. Dikshit
Aged about 50 years
Working for gain at National Council of Cement and Building
Material (NCCBM)
Ballabgarh and presently resident at
TS/602, Puri Pratham Complex, Sec 84, Faridabad
Haryana.

...Applicant

(through Sh. Victor Chatterjee)

Versus

1. Union of India
Through the Secretary
Ministry of Commerce and Industry
Department of Promotion of Industry and Internal
Trade(DPIIT)
Having office at Room No. 157
Udyoug Bhawan, New Delhi-110011.
2. Joint Secretary Cement Section
Ministry of Commerce and Industry
Department of Promotion of Industry and Internal
Trade(DPIIT)
Having office at Room no. 227A-1, Udyoug Bhawan
New Delhi-110011.
3. Chairman of BOG, National Council of Cement and Building
Material (NCCBM)
34 km Stone, Delhi Mathura Road
Ballabgarh, Haryana-121004.
4. National Council of Cement and Building Material (NCCBM)
Service through the Director General

Having office at 34 km Stone, Delhi Mathura Road
Ballabgarh, Haryana 121004.



5. Director General
National Council of Cement and Building Material(NCCBM)
Having office at 34 km Stone, Delhi Mathura Road
Ballabgarh, Haryana 121004.
6. Joint Director and Head
HRS(PER)
National Council of Cement and Building Material(NCCBM)
Having office at 34 km Stone, Delhi Mathura Road
Ballabgarh, Haryana 121004.
7. Service In-charge, HRS PER
National Council of Cement and Building Material(NCCBM)
Having office at 34 km Stone, Delhi Mathura Road
Ballabgarh, Haryana 121004.

...Respondents

(through Sh. Sanjeev Yadav for R. Nos. 1 and 2 and Sh. Praveen Swaroop for R. No. 3)

ORDER (ORAL)

Justice L. Narasimha Reddy:

M.A. No. 2384/2020

This application is filed with a prayer to condone the delay of 188 days in filing the O.A. After hearing the learned counsel for applicant and learned counsel for respondents, we are convinced that the delay is properly explained.

The M.A. is allowed and the delay is condoned.

O.A. No. 1876/2020

The applicant is working as General Manager in the National Council of Cement & Building Material, third respondent herein. Through an order dated 26.05.2015, he was



given the additional charge of CQC in the organization. The respondents issued an order dated 19.02.2019 making certain arrangements in the organization. As a part of it, the additional charge of CQC from the applicant was withdrawn and he was entrusted with the activities of CCE for a period of three months. He filed this O.A. challenging the said arrangement.

2. The applicant contends that as a convention, the CQC is entrusted to the senior most official and he was entrusted with the same way back in the year 2015. He submits that the respondents have withdrawn the same without any basis whatsoever.

3. We heard Sh. Victor Chatterjee, learned counsel for applicant, Sh. Sanjeev Yadav, learned counsel for respondent nos. 1 & 2 and Sh. Praveen Swaroop, learned counsel for respondent no. 3, at the stage of admission, through video conferencing.

4. In the impugned order, certain arrangements are made. The one in respect of the applicant reads as under:

Name	Level	Present Attachment	Additional Attachment	Remarks
Dr A K Dikshit(AK D)	L-13	CRT	CCE	With reference to earlier communication Ref: PER/1.93 dated 26 May 2015, Dr A K Dikshit's additional charge from CQC stands withdrawn. In addition to his present attachment in



				CRT he will carry out the activities in CCE as assigned/allocated by HOC-CCE for a period of 03 months. His responsibilities will be to deliver lectures to PG Diploma and relevant short term courses.
--	--	--	--	---

5. From the above, it is evident that the charge of CQC which was entrusted to the applicant in the year 2015 was withdrawn and in its place, another activity was entrusted. It is not as if any activity attached to the substantive post of the applicant was taken away from him. The officers at the higher level, normally feel burdened, whenever they are kept in additional charge of certain other activities. They feel relieved as and when the charge is withdrawn. In the instant case, we find a reverse situation. The applicant is interested to hold the charge of CQC, almost as a part of his regular activity. He is not able to cite any circular or rule in support of his contention.

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

**(A. K. Bishnoi)
Member (A)**

**(Justice L. Narasimha Reddy)
Chairman**

November 20. 2020
/sunil/vb/ns/sd/akshaya7dec/