



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

**O.A. No.126/2021
M.A. No. 146/2021**

This the 20th day of January, 2021

(Through Video Conferencing)

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

Shri Anil Kumar Singh Biswas,
Son of Late Prof. (Dr.) Sheo Narain Singh,
Age 53 years, working as Assistant Manager (Technical),
Residing at Flat No. 603, Tower-3,
Exotica Dreamville, Sector 16C,
Greater Noida (west),
Distt. : Gautam Budh Nagar,
Uttar Pradesh, Pin Code-201306,
Now resident present at Flat No. 402A,
373, Pratima Apartment, Mohiyari Road,
Near UBI Bank, Jagachha, Hawrah – 711 112,
West Bengal.

...Applicant

(through Shri Abhay Kumar, Advocate)

Versus

1. Union of India,
Through the Secretary,
Ministry of Housing and Urban Affairs,
Room No. 122 C, Nirman Bhawan,
New Delhi 110 011.
2. Smt. S.K. Ram,
Joint Secretary (PSP),
Ministry of Housing and Urban Affairs,
Room No. 218, 'C' Wing,
Nirman Bhawan, New Delhi 110 011.
3. Sh. Arun Kumar Bansal,
Director of Printing,
Room No. 101, 'B' Wing,
Nirman Bhawan, New Delhi – 110011

4. Sh. Asit Kumar Roy
Executive Engineer (P),
O/o the ADG (RK),
CPWD, 234/4, A. J. C. Bose Road,
Nizam Palace, Kolkata – 700 020.

... Respondents

(through Shri Hilal Haider, Advocate)



ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

The applicant is working as Assistant Manager (Technical) at Government of India Press, Santragachi, Howrah. Through an order dated 23.04.2020, he was assigned additional charge of Government of India Press, Temple Street, Kolkata. Thereafter, he was placed under suspension through order dated 11.06.2020, which was followed by issuance of a charge memo dated 28.08.2020. The disciplinary authority passed an order dated 11.11.2020, appointing the Inquiry Officer. This OA is filed challenging the order of transfer, order of suspension, the charge memo and the order, appointing the Inquiry Officer.

2. The applicant contends that the Director (Printing) is not vested with the authority to pass orders, as mentioned above and that the impugned orders are liable to be set



aside on that ground. According to him, the Secretary of the Ministry of Housing and Urban Affairs, the 1st respondent herein, is the competent authority. As regards the transfer order, the applicant contends that it was issued at a time when there was a total ban on account of Covid-19 pandemic and it cannot be sustained in law. He further submits that the order of suspension and the charge memo are issued for his taking objection to the order of transfer and they are liable to be set aside.

3. We heard Shri Abhay Kumar, learned counsel for applicant and Shri Hilal Haider, learned counsel for respondents at the stage of admission in detail.

4. This is a rare case in which an employee who was just kept on additional charge of another post has chosen to challenge it several months after accepting the assignment. He was not even required shift from one place to another place in Kolkata. Even while remaining at the same place, he was required to attend to certain duties. However, the applicant has his own method of taking exception to the simple and routine order of assigning the duties. The order reads as under :-

“With immediate effect and until further orders, Shri Anil Kumar Singh Biswas, Asstt. Manager (Tech.) is hereby assigned the charge of Govt. of India Press, Temple Street, Kolkata in place of Shri B.K. Sahana, Dy. Manager.

2. Shri Anil Kumar Singh Biswas, however, will look after the winding up activities of GIP, Santragachi as usual.

3. This issues with the approval of Competent Authority.”



5. The applicant is not able to point out as to how the aforesaid order can be said to be illegal or in violation of the provisions of law.

6. Coming to the order of suspension dated 11.06.2020, it was issued in contemplation of the initiation of disciplinary proceedings. The issuance of charge sheet has occurred within two months thereafter. That being the case, it cannot be said that there was no basis for placing the applicant under suspension.

7. So far as the challenge to the memorandum of charge is concerned, we find that the articles of charges indicate certain serious acts of insubordination and indiscipline. The truth or otherwise thereof the same is to be examined only in the impending inquiry. Though it is alleged that the Director (Printing) is not competent authority, we find that being Head of the Department, he can issue the charge memo. At any rate, the applicant is not able to cite any provision from the Conduct Rules or other related rules to show that some other authority is vested with the power.



Reliance is placed upon on a passage from a book containing the rules. Even that does not help the applicant. The reason is that the Printing Establishment has different departments and the Head of Department has issued the charge memo. The appointment of Inquiry Officer, being part of the exercise in the disciplinary proceedings, no exception can be taken to it.

8. We do not find any merit in the OA. We make it clear that we did not express any view on the allegations made against the applicant in the charge memo and the Inquiry Officer shall examine the matter independently.

Pending MA No.146/2021 shall stand disposed of.

There shall be no order as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk/akshaya/sd