



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

O.A. No. 129/2021

With

O.A. No.130/2021

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)**

I. OA No.129/2021

Ajay Saxena, Aged 59 years,
S/o Late Shri Brijendra Saxena,
Senior Statistical Officer, Group 'B',
Sub-Regional Office, Karimnagar,
Field Operations Division,
National Sample Survey Office,
Ministry of Statistics and Programme Implementation,
House No. 2-10-1240, Opposite Radha Nilayam,
Malkapur Road, Jyothi Nagar, Karimnagar – 505002.
Resident of :
B-102, Yashoda Enclave,
Central Jail Road, Post Office: Civil Lines.
Agra – 282002.
Mobile No. 9412262300

...Applicant

(through Shri Tushar Ranjan Mohanty, Advocate)

Versus

1. Union of India through
The Chief Statistician of India and Secretary,
Ministry of Statistics and Programme Implementation,
Sardar Patel Bhawan, Parliament Street,
New Delhi – 110001.
2. The Inquiring Authority



[SrinivasUpppala],
 Director, Zonal Office (West),
 Field Operations Divison,
 National Sample Survey Office,
 Ministry of Statistics and Programme Implementation,
 A-Block, Third Floor, CGO Complex,
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 Mobile No.: 0-9404883117.
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... Respondents
 (through Shri ShailendraTiwary, Advocate)

II. **OA No.130/2021**

Ajay Saxena, Aged 59 years,
 S/o Late ShriBrijendraSaxena,
 Senior Statistical Officer, Group 'B',
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 Sardar Patel Bhawan, Parliament Street,
 New Delhi – 110001.

... Respondent
 (through Shri Gyanendra Singh, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:



The applicant is working as Senior Statistical Officer in the Ministry of Statistic & Programme Implementation. Through an order dated 28.05.2019, he was transferred from the office at Agra to the one, at Karimnagar. The applicant did not join the place to which he was transferred. Disciplinary proceedings were initiated. He filed OA 130/2021 challenging it. Three other employees who too transferred did not join. Disciplinary proceedings were initiated against them also. They also filed OAs challenging the charge memo. On dismissal of the OAs, they filed a Writ Petitions before the Hon'ble High Court of Delhi. That Writ Petition was disposed of, directing that in case the petitioners therein tender unconditional apology, the disciplinary authority shall consider the feasibility of withdrawing the charge memo. It is stated that on tendering apology by them, the disciplinary proceedings were dropped.

2. Narrating all these events, the applicant submitted a representation dated 26.10.2020 with a request to withdraw the disciplinary proceedings. The same was disposed of through an order dated 01.01.2021 stating

that it is devoid of any merit. This OA is filed, challenging the order dated 01.01.2021.

3. The applicant was also placed under suspension and thereafter the order of suspension was revoked. A charge memo was issued and inquiry officer was appointed. Since the applicant did not take part in the disciplinary inquiry, the inquiry officer addressed various letters on 23.10.2020, 4.12.2020 and 07.01.2021, requiring the applicant to appear before him. On his part, the applicant made a representation dated 10.09.2020, as regards disqualification of the defence assistant appointed by him. The applicant filed OA No.129/2021 challenging the three letters addressed by the inquiry officer.

4. The applicant contends that on account of his ailment, he stayed in Agra whereas inquiry officer required him to appear at Nagpur. He contends that it was not possible for him to appear in the proceedings. It is also stated that the inquiry officer did not accommodate to his genuine request and then he made a request for change of the Inquiry Officer also.



5. We heard Shri Tushar Ranjan Mohanty, learned counsel for applicant and Shri Shailendra Tiwari and Shri Gyanendra Singh, learned counsel for respondents.



6. A series of proceedings ranging from the order of suspension, issuance of charge memo and appointment of inquiry officer, addressing of bunch of letters to the applicant ensued just on account of the disinclination on the part of the applicant to join the place, to which he was transferred. Unfortunately, there was no dearth of officers of this nature in the various departments. For all practical purposes, they feel that they cannot be moved from the place to which they have some liking. Though three more officers did the same misadventure, the Hon'ble High Court of Delhi has shown a semblance of compassion on them. They joined their place of posting and tendered unconditional apology.

7. The applicant tried his level best to avoid the disciplinary proceedings. However, at one stage, he wanted the same benefit of dropping of the disciplinary proceedings on tendering conditional apology. A perusal of the letter dated 23.10.2020, only show as to how half-hearted he was in the entire episode. It was in the discretion of the authorities whether or not to accept that

apology, which itself was not forthcoming. The matters of this nature are hardly amenable for adjudication to the courts or tribunals.



8. The applicant has successfully avoided to appear before the Inquiry Officer. The repeated letters requiring him to attend the inquiry, did not evoke any response. On the one hand, the applicant says that he joined at Karimnagar, on being declared as medically fit and on the other hand, he is avoiding to appear before the Inquiry Officer at Nagpur, which is not far away from Karimnagar, by citing various reasons. His pleas are totally inconsistent. We have verified the representation made by the applicant, not a word is mentioned as to what acts or omissions the Inquiry Officer is said to have committed to treat him as biased.

8. We do not find any merit in both the OAs and the same are accordingly dismissed. There shall be no order as to costs.

(Mohd.Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk/akshaya/sd