



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

**O.A. No.1635/2020**

**This the 26<sup>th</sup> day of October, 2020**

(Through Video Conferencing)

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

Shri R.R. Bharati  
(Deputy Director,  
Sports Authority of India)  
R/o F-168, Phase 2, New Palam Vihar  
District Gurugram, Haryana  
Currently posted at Netaji Subhas  
Regional Centre, Sarojini Nagar  
Kanpur Road, Lucknow.

.. Applicant

(By Advocate : Shri S. Nandakumar with Shri Harkesh  
Parashar)

Versus

1. Union of India  
Through its Secretary  
Ministry of Youth Affairs & Sports  
(Department of Sports)  
Shastri Bhawan, New Delhi.
2. Director General  
Sports Authority of India (SAI)  
J.N. Stadium Complex  
East Gate No.10, Lodhi Road  
New Delhi-110003.
3. Director Personnel  
Sports Authority of India (SAI)  
J.N. Stadium Complex  
East Gate No.10, Lodhi Road  
New Delhi-110003.



4. Chairperson, ICC  
SAI Head Office  
J.N. Stadium Complex  
East Gate No.10, Lodhi Road  
New Delhi-110003  
Through Director General  
Sports Authority of India (SAI).

.. Respondents

(By Advocate : Ms. Geetanjali Sharma)

### **ORDER (Oral)**

#### **Justice L. Narasimha Reddy:**

The applicant is working as Deputy Director in the Sports Authority of India. Charge memo dated 27.06.2019 was issued to him, alleging acts of sexual harassment in the workplace. This O.A. is filed challenging the charge memo dated 27.06.2019.

2. The applicant contends that in April 2019, the respondents decided to transfer him from Delhi to Lucknow and to justify the transfer, which is otherwise not legal, certain complaints were fabricated against him. He contends that initially a notice was issued to him about the allegations and though a detailed reply was filed denying the allegations, the impugned charge memorandum was issued. He raised several contentions such as the defect in composition of the Internal Complaints Committee (ICC), the procedure followed by



the Disciplinary Authority (DA) in passing of the order and denial of opportunity.

3. We heard Shri S. Nandakumar, learned counsel for the applicant and Ms. Geetanjali Sharma, learned counsel for the respondents, at the stage of admission.

4. The charge memo issued on 27.06.2019 was preceded by a preliminary inquiry. The respondents alleged acts of sexual harassment by the applicant against a woman employee.

5. It is not as if the charge memo was issued and soon thereafter the OA is filed. He participated in the disciplinary proceedings and the ICC also submitted its report on 04/15.09.2020. A copy of the report is furnished to the applicant and he is required to submit his reply in the context of imposition of punishment. At this stage, the question of interfering the charge memo does not arise.

6. An objection is raised about the composition of the ICC. It is too vague and in general or otherwise of any particular member suffered disability, the applicant can put forward his contentions through representation. We grant 10 more days' time to the applicant for filing his representation.

7. The O.A. is accordingly dismissed with the above observations. There shall be no order as to costs.



**(Mohd. Jamshed)**  
**Member (A)**

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

/pj/jyoti/rk/sd/akshaya11nov/