

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00400/2020

DATED THIS THE 13th DAY OF OCTOBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Sri G.T.Rao, S/o. Late G.Muneiah
(PIS No.124666) aged 52 years
O/O Deputy Central Intelligence Officer (DCIO)
Subsidiary Intelligence Bureau
Ministry of Home Affairs
Government of India, Ward No.25
Block No16, Vijayanagara Colony
Cantonment Area, Bellary-583104.

....Applicant

(By Advocate Shri P.S.Mali Patil)

Vs.

1. Union of India
By its Secretary (Home)
Ministry of Home Affairs
North Block, Central Secretariat
New Delhi-110 001.
2. The Director
Intelligence Bureau
Ministry of Home Affairs (MHA)
Government of India
North Block
New Delhi-110 001.
3. The Additional Director/Est.
Intelligence Bureau
Intelligence Bureau Headquarters
No.35, SP Marg, Bapu Dham

New Delhi-110 021.

4. The Joint Deputy Director/Est.
Intelligence Bureau
Intelligence Bureau Headquarters
No.35, SP Marg, Bapu Dham
New Delhi-110 021.

5. The Joint Director
Subsidiary Intelligence Bureau
Ministry of Home Affairs (MHA)
Government of India
No.08, Infantry Road
Bengaluru-560 001.

6. The Joint Deputy Director/Est.
Subsidiary Intelligence Bureau
Ministry of Home Affairs (MHA)
Government of India
No.08, Infantry Road
Bengaluru-560 001.

7. The Joint Deputy Director/ACR
APAR Cell, Intelligence Bureau Hqrs.
No.35, Sardar Patel Marg
Bapu Dham
New Delhi-110 001.

.....Respondents

(By Advocate Shri N.Amaresh)

O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- i. To set aside the order No.18/C-3/19(1)-24458-73, dtd.11.08.2020

issued by Respondent No.4 received on 18.08.2020 vide Annexure-A36.

- ii. Pass such other orders as this Hon'ble Tribunal deems fit to grant in the above facts and circumstances of the case in the ends of justice and equity.

2. At the very outset, Shri N.Amaresh, learned counsel representing the respondents submitted that in view of Clause-14 of the Office Memorandum dated 28.08.2020, the present Original Application is premature and the same cannot be maintained. He further submitted that in view of the remedy available under the said clause, the applicant ought to have filed a representation against the order dated 11.08.2020 which has been impugned herein.

3. Confronted with this, learned counsel representing the applicant stated that the applicant may be permitted to withdraw the present Original Application with liberty to file a representation in terms of Clause-14 of the Office Memorandum dated 28.08.2020. He further submitted that since the applicant has been pursuing his remedy in good faith before this Tribunal, therefore, the delay in filing the representation against the impugned order may be condoned.

4. Keeping in view the aforesaid statement made by learned counsel for the applicant, the Original Application is disposed of with liberty to the applicant to file

a representation before the Representation Committee against the order dated 11.08.2020. However, the Representation Committee shall not raise any issue of limitation if such a representation is presented by the applicant within a period of ten(10) days from today.

5. Ordered accordingly. No order as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ps/

Annexures referred to by the applicant in OA No.400/2020:

Annexure-A1: Transfer order dtd.17.11.2017
Annexure-A2: Representation dtd.23.11.2017
Annexure-A3: CAT order dtd.31.1.2018 in OA.738/2017
Annexure-A4: Order dtd.27.2.2018
Annexure-A5: PC OUT message dtd.13.3.2018
Annexure-A6: Message dtd.14.3.2018
Annexure-A7: Memorandum dtd.23.3.2018
Annexure-A8: Report dtd.9.4.2018
Annexure-A9: Memorandum dtd.20.4.2018
Annexure-A10: Memorandum dtd.6.6.2018
Annexure-A11: Memorandum dtd.11.9.2018
Annexure-A12: PC message dtd.8.10.2018
Annexure-A13: PC Memorandum dtd.24.10.2018
Annexure-A14: Memo dtd.29.11.2018
Annexure-A15: Memorandum dtd.1.2.2019
Annexure-A16: Memo dtd.11.3.2019
Annexure-A17: Memorandum dtd.27.7.2019
Annexure-A18: Memorandum dtd.19.8.2019
Annexure-A19: Memorandum dtd.31.8.2019
Annexure-A20: Letter dtd.31.8.2018 & APAR for 2017-18
Annexure-A21: Letter dtd.18.7.2019 & APAR for 2018-19
Annexure-A22: Application dtd.29.7.2019
Annexure-A23 to A35: Cash awards, commendation certificate and Kautilya
issued by respondents
Annexure-A36: Order dtd.11.8.2020
Annexure-A37: OM dtd.28.8.2020
