

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.222 of 2004

Tuesday, this the 6th day of April, 2004

Hon'ble Maj. Gen. K.K.Srivastava, A.M.  
Hon'ble Mr. A.K. Bhatnagar, J.M.

Dr. Indra Pal Singh Yadav,  
aged about 57 years,  
Son of Late Bade Lal,  
Resident of 127/202,w-2,  
Juhi Kalan, Post Barra-2,  
Kanpur Nagar, Presently  
employed as Principal Scientist,  
Indian Institute of Pulses Research,  
Kalyanpur.

...Applicant.

(By Advocate : Shri Nikhil Kumar)

Versus

1. Union of India,  
through the Secretary,  
DARE, Ministry of Agriculture &  
Co-operation,  
Government of India, Krishi Bhawan,  
New Delhi 110001.
2. The President, Indian Council of Agricultural  
Research (ICAR) Krishi Bhawan, New Delhi 110001.
3. Sri Y.P. Rai, C.D.I., C.V.C. Enquiry Officer,  
Room No.1203-C, Central Vigilance Commission,  
Government of India, Satarkata Bhawan,  
Block-A, INA, New Delhi. 1100023.

....Respondents.

(By Advocate : Shri B.B. Sirohi)

ORDER

By Hon'ble Maj. Gen.K.K.Srivastava, A.M. :

In this O.A., filed under Section 19 of A.T. Act,1985,



the applicant has prayed for quashing the order dated 27.6.2003 i.e. charge sheet under Rule 14 of CCS (CCA) Rule 1965, order dated 24.11.2003 appointing respondent No.3 as Inquiry Officer and also order dated 22.12.2003 issued by respondent No.3 proposing to proceed with the inquiry and has sought for a direction to the respondents not to conduct any parallel Departmental Disciplinary Enquiry against the applicant on the basis of the charges framed against the applicant in the impugned memorandum dated 27.6.2003.

2. The facts, in short, are that the applicant was appointed as Scientist Senior Research Assistant in the respondent's establishment during 1974. The applicant was selected and appointed as Senior Scientist under the ICAR in 1983 and having obtaining Ph.D Degree in Economics from the Bundelkhand University, Jhansi, the applicant was selected and appointed as Principal Scientist under the ICAR in the year 1989. During 1991 the applicant was appointed as Vice Chancellor at Bundelkhand University at Jhansi on deputation. During 1992 the applicant was transferred and posted as Principal Scientist to Indian Institute of Pulses Research, Kanpur. Thereafter during 1994 the applicant was appointed as Vice Chancellor of the Chandra Shekhar Azad University of Agriculture and Technology, Kanpur on deputation for three years. The case of the applicant is that one Shri S.K.Singh who was working as non-teaching and non-UGC post in the University at Kanpur manipulated to get UGC scale and the applicant as the Vice Chancellor, ordered for inquiry against Shri S.K. Singh on a complaint filed by one Assistant Professor. As a result of the inquiry Shri S.K.Singh was reverted to Non-UGC, Non-teaching scale. Aggrieved

by the same Shri S.K.Singh started making false, frivoleus and concocted complaints against the applicant alleging that the marksheets and Certificate of M.A. (Economics) of the applicant were forged. The first complaint was made during the year 1996. Shri S.K. Singh was ultimately able to manipulate through police and a chargesheet was submitted to the Criminal Court by police in the year 2002.

3. As per the applicant, during 1996-2001 repeated investigations on the false complaints of Shri S.K. Singh in the matter, the police submitted final report three times. However, the allegation of the applicant is that during 2002 at the instance of Shri S.K.Singh and through fraud and manipulation, a charge sheet was submitted to the Criminal Court by the police on the basis of the false and frivoleus complaints. Besides, Shri S.K. Singh submitted false complaints to the State Vigilance Department also during the year 2000.

4. The applicant has alleged that without conducting any fact finding enquiry/preliminary enquiry the charge sheet for major penalty under Rule 14 of the CCS (CCA) Rules, 1965 has been served on the applicant on 27.6.2003. The applicant submitted a detailed written statement of defence on 8.7.2003 denying the false allegations contained in the charge sheet. However, the respondents without giving any weightage appointed the inquiry officer vide impugned letter dated 24.11.2003 and in pursuance of which the inquiry officer i.e. respondent No.3 issued an order dated 2.12.2003 regarding holding of departmental inquiry. The applicant submitted the representations to the Disciplinary Authority on 30.8.2003 followed by another representation dated 20.12.2003 which

have not been decided so far, hence this O.A.

5. Shri Nikhil Kumar, learned counsel for the applicant submitted that as per the law laid down by Hon'ble Supreme Court in M. Pal Anthony Vs. Bharat Gold Mines Limited 1999 SCC (L&S) 810, the action of the respondents is illegal by issuing the charge sheet and ordered for inquiry in the matter specially when the charge sheet on the same set of fact are pending in the criminal case instituted in the criminal court against the applicant. Therefore, the grievance of the applicant is genuine and he is entitled for relief claimed.

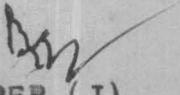
6. Resisting the claim of the applicant Shri B.B.Sirohi, learned counsel for the respondents submitted that such an O.A. is not maintainable before this Tribunal. The charge sheet has been served as per the rules and the inquiry has been ordered as required under CCS (CCA) Rules 1965, <sup>as the applicant is</sup> denied the charges. In fact, no interference is called for by the Tribunal at this stage.

7. Heard the counsel for the parties, considered their submissions and perused the records.

8. Admittedly, the applicant has been served with charge sheet dated 27.6.2003 under Rule 14 of CCS (CCA) Rules, 1965. The applicant has also filed the copy of the charge sheet of the criminal court. The applicant has been charged under Sections 420, 467, 468 and 471 of IPC. In the charge sheet dated 27.6.2003 the charges are absolutely different regarding submitting the false, <sup>tempered</sup> and a fabricated marks sheet for securing an M.A. (Economics)

Degree from Bundelkhand University and thus he has violated provisions of Rule 3(1) (i) and (iii) of CCS (Conduct) Rules, 1964 as extended to ICAR employees. The legal position is well settled that pendency of a criminal case in a criminal court does not debar the department to proceed with the disciplinary proceedings simultaneously. Therefore, we do not find any good ground for interference at this stage. The applicant should be ready to face the inquiry and defend himself as per law.

9. In the facts and circumstances, the O.A. is dismissed at the admission stage itself with no order as to costs.

  
MEMBER (J)

  
MEMBER (A)

RKM /