

Item No.10



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**R.A. No. 47/2021
in
O.A. No. 1043/2020
C.P. No. 161/2021
M.A. No. 1674/2021**

This the 29th Day of July, 2021

(Through Video Conferencing)

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

1. Union of India
Secretary/Cadre Controlling Authority
Department of Expenditure,
Ministry of Finance, North Block, Delhi.
2. Ms. Suman Bala
Joint Controller General of Accounts (Vigilance),
Office of the Controller General of Accounts,
Mahalekha Niyantrak Bhawan, E-Block,
INA, New Delhi – 110063
3. Ms. Madhu Sharma,
Deputy Controller of Accounts,
Ministry of Chemical & Fertilizers
Shastri Bhawan, New Delhi.
4. Shri Ajay Kumar Srivastava,
Inquiry Officer,
306, Pratakar Apartments,
Vasundhara, Sector – 5, Ghaziabad.

... Petitioners

(By Advocate : Shri Hanu Bhaskar)

Versus

Sh. Ameesh Aggarwal
S/o Sh. Suman Kumar Aggarwal,
Aged about 35 yrs.
Deputy Controller of Accounts,
CBIC, M/o Finance, DGACR Building,
IP Estate, New Delhi - 110002

... Respondents

(By Advocate : Shri Rahul Pratap and
Shri Parthiv K. Goswami)



O R D E R (ORAL)

Justice L. Narasimha Reddy :

This Review Application is filed with a prayer to review the order dated 24.03.2021 passed in OA No. 1043/2020.

2. We heard Shri Hanu Bhaskar, learned counsel for the review applicants and Shri Rahul Pratap, learned counsel for the review respondent in detail and perused the record.

3. The OA was filed challenging the charge memo issued to the applicant therein. After hearing both the parties at length, the OA was allowed and the charge sheet was quashed only on the ground that the third respondent, who, too, was associated with a particular project, along with the applicant, headed a team to conduct audit as regards the payment in respect of that very project, and that in turn, constituted the basis for the charge memo. We left it open to the respondent to initiate the proceedings in accordance with law, where the overlapping of interests does not takes place.

4. Heavy effort is made by Shri Hanu Bhaskar, learned counsel for the review applicants, to convince us that third respondent was not at all associated with Phase-I of the project. When we suggested that the third respondent can file an



affidavit as to the role played by her in the entire episode, an affidavit in fact was filed. Para 5 thereof reads as under:

“5. That the respondent herein who was also working in the M/o UD at the relevant time and was Incharge of the Nirman Lekha Project, Phase-I, was transferred out of the Ministry sometimes on 31st July, 2014. The petitioner No.3 was allocated the charge of the said Project on 09.09.14. The interregnum period from 01.08.14 to 08.09.14 was being looked after by Sh. Abhijit Roy (CA) and Sh. Pradeep Kumar Berwah (CCA). The petitioner No.3, being ACA started looking after the said Project w.e.f. 09.09.14. It may be submitted herein that although the work being carried out in the said Project is of perennial nature, but it was named as a Project by the Ministry because at the relevant time, the same was made applicable to 160 Divisions (appr.) of CPWD and the Phase-II Project was made applicable in the remaining Divisions of the CPWD. There are about 275 Divisions in the CPWD at the relevant point of time. The approval of the second phase of the Project was received sometimes in December, 2014. The petitioner No.3 worked in the said Ministry till 31.03.15 and on 01.04.15, the petitioner No.3 reported back to the O/o CGA on transfer.”

5. It is clearly evident that third respondent was very much associated with the project and in fact, headed it from 09.09.2014 onwards. The audit conducted by her in respect of that project covered the period from 2012 to 2015. However, in the charge memo, an effort was made to compartmentalize the

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execution of the project in such a way that the applicant alone is covered.

6. We do not find any merit in the RA and the same is accordingly dismiss

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/vinita/lg/rk/akshaya/