



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

**O.A. No. 1732/2021
M.A. No 2201/2021**

This the 24th day of August, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Rohit Chopra [Group – A, Chargesheet]
S/o Late Shri Krishan Prakash Chopra,
R/o, 122, E – II, Sector – 18,
Rohini, Delhi 110089.
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...Applicant

(By Advocate: Mr. Ravi Kumar)

Versus

1. The Chairman, MAIDS,
Represented by: The Chief Secretary,
Govt of NCT of Delhi,
Inderprastha Estate, Sachivalaya,
New Delhi – 110002.
2. The Director – Principal,
Maulana Azad Institute of Dental Sciences,
(MAIDS), MAMC Campus,
Bahadur Shah Zafar Marg,
New Delhi – 110002.
3. Government of NCT of Delhi,
Through: Secretary, Health & Family
Welfare Department, 9th Floor,
Inderprastha Estate, Sachivalaya,
New Delhi – 110002.
4. Dr. Tulika Tripathi,
Head of Department (Orthodontics),
Maulana Azad Institute of Dental Sciences,



(MAIDS), MAMC Campus,
 Bahadur Shah Zafar Marg,
 New Delhi – 110002.

5. Shri D.S. Pandit, (Retd. IAS),
 Inquiry Authority (I.A.),
 Inderprastha Estate, Sachivalaya,
 New Delhi – 110002.

...Respondents

(By Advocate : Mr. Naushad Ahmed Khan)

ORDER (ORAL)

Hon'ble Ms. Manjula Das:

The applicant has filed the instant OA under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- (i) Set aside and quash the charge memorandum dated 07.11.2019 (Annexure A -1) issued by respondent no. 1 as being concocted, fabricated and ex-facie false.
- (ii) Set aside and quash the 'Inquiry Report' prepared by respondent no. 5 dated 05.01.2021 as being arbitrary, capricious, biased, factually incorrect, without evidence, and ab-initio illegal.
- (iii) Record the charges levelled against Applicant by respondent no. 1, 2, 4 & 5 as inter-alia (a) visiting Spain during office vacation, and (b) absence during approved LTC leave.
- (iv) Record that Applicant's earlier suspension order dated 10.08.2019 was revoked 08.11.2019 by respondent no. 1.
- (v) Award costs of litigation with compensation to Applicant for mental harassment and malafide charge memorandums.
- (vi) Direct furnishing of personal affidavits of respondent no. 4 & 5 on oath, if any, in response to this O.A.
- (vii) Pass such additional orders as necessary in interest of justice.



2. The brief facts of the case are that the applicant was appointed as Demonstrator on 20.05.1999 in Maulana Azad Institute of Dental Sciences. He was made permanent in the pay scale of Assistant Professor and continues to hold the same pay scale.
3. Through memorandum dated 07.11.2019, a charge sheet was issued to the applicant on certain allegations. He was given an opportunity to file written statement of defence. However, he did not do so and the disciplinary authority appointed the inquiry officer to inquire into the charges. The inquiry officer submitted his report on 02.11.2020 whereby the charges levelled against the applicant were proved. He was furnished a copy of the report. As per the records, the applicant has not filed any explanation / reply to the inquiry report.
4. Today, we heard Mr. Ravi Kumar, learned counsel for the applicant and Mr. Naushad Ahmad Khan, learned counsel for respondent Nos. 1, 2 and 4.
5. At the threshold, it is seen that the applicant, instead of filing explanation / reply, straightway approached this Tribunal. When the same was pointed out to learned counsel



for the applicant, he submitted that the applicant has not filed any explanation / reply to the inquiry report.

6. In this view of the matter, we do not find any merit to entertain at this stage. Accordingly, the O.A. is dismissed in *limine*. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/sunil/jyoti/Mbt/dd