



Central Administrative Tribunal Lucknow Bench, Lucknow

O.A. No. 303/2020
M.A. No.244/2021
M.A. No.443/2021

Friday, this the 9th day of July, 2021

(Through Video Conferencing)

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

S Sunanda, aged 51 years,
w/o Shri P S Jaya Sankar,
D-4/2, IGRUA Colony
Fursatganj Airfield,
Amethi 229 302 (UP)

..Applicant

(Mr. Anupam Verma, Advocate)

Versus

1. Union of India through Secretary,
Ministry of Civil Aviation
Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi – 110 003
2. Chairman, Indira Gandhi Rashtirya Uran Akademi,
IGRUA Governing Council, 'B' Block,
Rajiv Gandhi Bhawan, Safdarjung Airport
New Delhi – 110 003
3. The Director, Indira Gandhi Rashtirya
Uran Akademi, Fursatganj Airfield,
Amethi 229 302
4. Shri Dev Prasad, IGRUA employee,
India Gandhi Rashtirya Uran Akademi,
Fursatganj Airfield, Amethi 229 302
5. Shri Sundeep Puri, Purported Administrative
Officer, Indira Gandhi Rashtirya Uran Academi
Fursatganj Airfield, Amethi 220 302

6. Shri C P Pandey, Purported Manager-HR,
Indira Gandhi Rashtriya Uran Academi
Fursatganj Airfield, Amethi 220 302

..Respondents
(Mr. Yogesh Chandra Bhatt, Advocate)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

We take serious exception to the manner in which this O.A. is filed. It demonstrates the gross misuse of the process of judiciary not only by the applicant but also by her counsel.

2. The applicant states that she was employed as contract employee in the Indira Gandhi Rashtriya Uran Akademi (IGRUA), Fursatganj Airfield, the respondent No.2 herein, in the year 1998 and was discontinued in 2016. It is stated that she made a representation to the Secretary, Ministry of Civil Aviation, alleging certain acts of misconduct against the respondent Nos. 4 and 5 and the Secretary in turn, addressed a letter dated 27.07.2020 to the Director, i.e., the second respondent, for necessary action. She filed this OA with a prayer to direct respondent Nos. 2 and 3 to conclude the proceedings of 'established misconduct' against respondent No.4, an employee of IGRUA; and respondent No.5, an

Administrative Officer thereof, within a month in order to instill confidence in the applicant, about unbiased approach of the State. She has also prayed for withholding of all dues that may be drawn by the respondent Nos.4 and 5 upon severance of their relation with IGRUA till completion of the departmental proceedings. Another prayer is to compensate her for personal/ professional/ social/ financial loss, which she faced due to arbitrary acts of the respondent 'State'.

3. The applicant contends that the respondent Nos. 4 and 5 were instrumental in getting her contractual employment terminated and they deserve to be proceeded against. She contends that they were also responsible for taking action against her husband, P S Jaya Sankar. It is pleaded that non-initiation of the disciplinary proceedings against respondent Nos. 4 and 5 amounts to illegality and the action needs to be taken without any further delay. Reference is made to an order dated 25.05.2012 passed by this Tribunal in O.A. No.485/2018 filed by the applicant, seeking regularization.

4. Today, we heard Mr. Anupam Verma, learned counsel for applicant and Mr. Yogesh Chandra Bhatt, learned counsel for respondents, in detail.

5. Rarely we come across a misadventure, as was done in the instant case. For all practical purposes, the applicant and her advocate have chosen this Tribunal to hoodwink, harass and to blackmail the respondent Nos. 4 to 6. It is fundamental, that the proceedings in the Administrative Tribunals Act, 1985 can be initiated only by the public servants in relation to their service matters. The reliefs, that can be claimed in the proceedings are required to be *vis a vis* the applicant, who instituted proceedings. The applicant herein, did not claim any relief whatever for herself. The prayers in the O.A. read:-

“i. to direct respondent 2 & 3 to conclude the proceedings of established misconduct in compliance of the directions issued by Ministry of Civil Aviation, Government of India (Respondent No.1) vide order dated 27 Jul 20 (as hitherto been the practice as per IGRUA Conduct and Discipline Rule) within the period of a month in order to instill confidence on applicant to the un-biased approach of “State” and the same has direct bearing in the adjudication of Applicant lis before the appropriate forums.

ii. to direct respondents to issue immediate orders for withholding of all the dues that may be draw by Sh. Dev Prasad, Asstt Gr ‘C’, Shri Sundeep Puri, Admn Officer and Shri D K Mahesh, Chief Admn Officer, upon severe of their relation with IGRUA, till completion of all departmental proceedings in the matters referred herein.

iii. Compensate petitioner for personal/ professional/ social/ financial loss which the applicant faced due to all above arbitrary acts of respondent “State”.

iv. Any such order or direction which deem appropriate in present circumstances may please also be passed.”

Not a semblance of relief is claimed in her favour.

6. The audacity of the applicant is evident from the language employed by her. Expressions, such as 'established misconduct' are used against respondent Nos. 4 and 5, who are employees of IGRUA at higher level. She did not stop at that. She wants withholding of all the amounts payable to them till their relationship with the organization is severed. Even the disciplinary authority, who is vested with the power to dismiss, cannot boast of such power. The applicant thought herself to be an ultimate authority in the organization.

7. A close reading of the matter reveals that an ordinary contractual employee, that too whose services were terminated, does not dare to take such extraordinary steps. For all practical purposes, her counsel, Mr. Anupam Verma, who had, his own grievance *vis a vis* the respondent No.2, seems to have chosen the applicant, to exhibit his power, to hoodwink and threaten the officers of respondent No.2. This is not for the first time, that he did such misadventure. On earlier occasion, he was warned and the serious action against him was avoided, by taking into account, the fact that he is young in the profession. That, however, did not have any impact upon him and he felt no limitations. The language employed by him in the body of the O.A. is indeed preposterous and cannot be expected from an

advocate, of whatever standing or approach. We are of the clear view that Mr. Anupam Verma has misused his position as advocate to exploit and threaten the officials. What is more disturbing is that he is in the habit of threatening, so that everybody would fall in line. He has even initiated the contempt proceedings against the Hon'ble HOD of the Bench, on the ground that the O.A. was not taken up for hearing. This, at a time when cases of urgency only are taken by us, due to pandemic and shortage of Members in the Tribunal.

8. We, therefore, dismiss the O.A., imposing a cost of Rs.10,000/- on the applicant to be paid to the Bar Association of Lucknow Bench of the Tribunal, within four weeks from today.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 9, 2021
/sunil/vb/