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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration No. 948 of 1987

K.S.Gautam

applicant.

Vs.

Union of India and others.

Respondents.

Hon'ble Ajay Johri, A.M.

Hon'ble G.S.Sharma, J.M.

(Delivered by Hon'ble G.S.Sharma)

In this petition under Section 19 of the A.T. Act XIII of 1985, the applicant, who is posted as Surveillance Officer at Deoria, has challenged the chargesheet dated 15.6.87 served on him by respondent no.2 and has prayed for quashing the proceedings under this chargesheet. It is alleged by him that formerly on 25.9.85 too, he was served with similar chargesheet copy annexure 1, by the respondent no.2 and on his representation dated 7.10.1985, copy annexure 2, it was dropped as orally informed to him. The respondent no.2, however, again started the disciplinary proceedings against the applicant and with the same allegations served the impugned chargesheet on him and the respondent no.3 was appointed the Inquiry Officer. His contention is that the charges levelled against him are false, baseless, and have been concocted to harass him and there is no case to warrant an inquiry under the provisions of Public Servants Inquiries Act, 1850. It is further alleged that sub-rule(4) of Rule 14 of CCS(CCA) Rules (hereinafter referred as CCA Rules) provides for the submission of the defence statement by the accused-employee, which has been denied to the applicant by the respondent no.2 and under sub-rule(5) of Rule 14, the disciplinary authority is authorised to drop the charges on furnishing good cause. By latest memo



(14)

-2-

dated 1.2.87 issued by the Government, stress has been laid on this procedure. As the charges levelled against him do not warrant a major penalty, the resort to Commissioner of Departmental Inquiries is arbitrary and discriminatory and is hit by Article 14 of the Constitution. It is further alleged that the respondent no.2 has no jurisdiction to impose penalties on the applicant and as such he has no jurisdiction to issue the chargesheet to the applicant.

2. We heard the learned counsel for the applicant on the maintainability of this petition at the time of admission. Under the provisions of Sections 20 and 21 of Act XIII of 1985 this tribunal is expected to entertain the petitions under Section 19 of the Act only against final orders, passed by the departmental authorities and not against inter locutory matters. In our opinion, the so-called chargesheet dated 25.9.85, annexure 1, is not really a chargesheet but is merely an order to the applicant to show cause as to why the disciplinary action should not be ~~drawn~~<sup>taken</sup> against him for the financial irregularities mentioned in this memo. The applicant has not seen any order dropping the proceedings taken under this office-memo. Naturally, he could not file the copy of such order before us. We have examined the office memo, annexure 1, and the chargesheet, annexure 3, issued to the applicant under Rule 14 of CCS Rules and find that the earlier memo was not a chargesheet but was merely by way of a fact finding step to elicit the reply of the applicant in that connection and after considering his reply and other relevant material quoted in annexures III and IV to the chargesheet, The proper chargesheet was issued against the applicant for the first time on 15.6.87. It will not be expedient for us to express any opinion whether the charges levelled against the applicant in this chargesheet can warrant

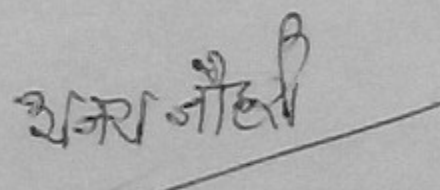


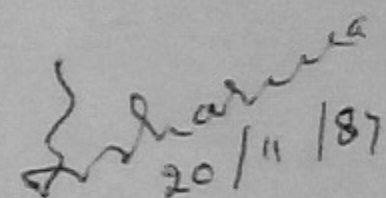
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a major penalty or not? We are, however, of the view that the respondent no.2 had already given an opportunity to the applicant to show cause against the alleged financial irregularities committed by him, it was not necessary for him to issue any other notice before serving him with the chargesheet. All other allegations made by the applicant in his petition challenging the propriety of the disciplinary action initiated against him have been carefully considered by us and in our opinion the applicant has not been able to make out any case to call for an interference by the tribunal at this stage. We, therefore, do not find it to be a fit case for adjudication.

The petition is accordingly dismissed in limine.

  
A.M.

  
20/11/87  
J.M.

JS/20.11.1987