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C.E.C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.1134/2011 & OA No.143/2012

Thursday, this the 21st day of November, 2013.

CORAM

Hon'ble Mr.Justice A.K.Basheer, Member (J)
Hon'ble Mr.K.George Joseph, Member (A)

OA 1134/2011

Satish Chander Bhardwaj
Scientist-D, National Informatics Center
Kendriya Bhawan, A-Block, 3rd Floor
Kakkanad (W), Cochin-682 030.
Permanent Address: R/o Block 17/927,
Lodhi Colony, New Delhi-110 003.

Applicant

(Applicant in person)

Versus

1. Secretary, Ministry of Communication and Information Technology (MCIT)
Department of Information Technology
Electronics Niketan, Scope Complex
Lodhi Road, New Delhi-110 003.
2. Dr.B.K.Gairola
Director General, MCIT-DIT
National Informatics Center, A-Block
CGO Complex, Lodhi Road
New Delhi-110 003.
3. Shri P.S.Pillai
Joint Director & DA, NIC, A-Block
CGO Complex, New Delhi-110 003.
4. Shri T.A.Khan
Deputy Director General
NIC-A Block, CGO Complex, Lodhi Road
New Delhi-110 003.
5. Shri S.Gopalakrishnan
Director and State Witness No.9
NIC, A-Block, CGO Complex
Lodhi Road, New Delhi-110 003.



6. Shri M.A.Padmakumar
Scientist E& OIC NITPU
NIC, Kendriya Bhawan, A-Block, 3rd Floor
Kakkanad (W), Kochi-683 020.

7. Shri Navneet Kukreja
Sr. Tech. Director & I.O.
R.No.109, Ground Floor, Punjab Mini Secretariat
Sector-9, Chandigarh (Punjab).

8. Shri Anil Rastogi
Dy.Dir & P.O., NIC,A-Block, CGO Complex
Lodhi Road, New Delhi.

Respondents

(By Advocate: Mr.Sunil Jacob Jose, SCGSC (RJ)

OA 143/2012

Satish Chander Bhardwaj
Scientist-D, National Informatics Center
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Permanent Address: R/o Block 17/927,
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CGO Complex, New Delhi-110 003.

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SIO & I.O.,National Informatics Centre
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Lodhi Road, New Delhi-110 003.

Respondents

(By Advocate: Mr.Sunil Jacob Jose, SCGSC (R1&2)

These two Original Applications having been heard on 21st November, 2013, this Tribunal on the same day delivered the following order:-

ORDER

Hon'ble Mr.Justice A.K.Basheer, Member (J)

These two Original Applications are being disposed of by this common order since the applicant is common and the issues involved in them are closely inter-related.

2. In OA 1134/2011, the primary challenge is directed against Annexure A-1 charge sheet dated 25th August, 2011 issued to him by the Disciplinary Authority. We do not deem it necessary to refer to or deal with the various contentions raised by the applicant or the ancillary reliefs prayed for in this Original Application in view of the order that we propose to pass.

3. In OA 143/2012, the challenge is directed against Annexure A1 order by which respondent No.4 had been appointed as Inquiry Officer in the disciplinary proceeding initiated against the applicant pursuant to issuance of the charge sheet referred to above.

When these two cases are taken up for hearing today, it is admitted by the applicant who appears in person, that the Disciplinary Authority has already passed an order imposing a penalty of censure on him accepting the



findings entered by the inquiry officer. He further submits that he has already preferred an appeal before the statutory Appellate Authority against the above order.

5. In that view of the matter, we do not find any reason to retain these two Original Applications on the file any more since, obviously, they have become infructuous. We hasten to add that we have not considered the merit or demerit of any of the contentions raised by the applicant in these cases. It will be open to him to raise all those contentions before the appropriate forum at the appropriate stage, if so advised, and if permissible under law.

6. These Original Applications are disposed of with direction to respondent No.1 to consider and pass appropriate orders on the appeal which is stated to have been filed by the applicant against the order of penalty passed by the disciplinary authority strictly on its merit and in accordance with law as expeditiously as possible at any rate within two months from the date of receipt of a copy of this order.

7. No cost.

sd/-
(K. George Joseph)
Administrative Member

sd/-
(Justice A.K. Basheer)
Judicial Member

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CERTIFIED TRUE COPY
Date 27/11/13

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Section Officer (Judl)

