

**CENTRAL ADMINISTRATIVE TRIBUNAL  
 ERNAKULAM BENCH**

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

Thursday, this the 21<sup>st</sup> 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, 3<sup>rd</sup> 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, 3<sup>rd</sup> Floor  
Kakkanad (W), Kochi-683 020.
7. Shri Navneet Kukreja  
Sr.Tech. Director & I.O.  
R.No.109, Fround 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 (R1))

OA 143/2012

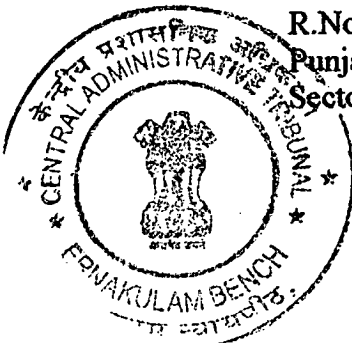
Satish Chander Bhardwaj  
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Kakkanad (W), Cochin-682 030.  
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National Informatics Center, A-Block  
CGO Complex, Lodhi Road  
New Delhi-110 003.
3. Dr.B.K.Gairola, DG-NIC, A-Block,  
CGO Complex, New Delhi-110 003.
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SIO & I.O., National Informatics Centre  
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Punjab Mini Secretariat  
Sector-9, Chandigarh (Punjab).



5. Shri P.S.Pillai,  
Joint Director & DA, NIC, A-Block  
CGO Complex, Lodhi Road  
New Delhi-110 003.
  6. Shri T.A.Khan  
Deputy Director General  
NIC-A Block, CGO Complex, Lodhi Road  
New Delhi-110 003.
  7. Shri S.Gopalakrishnan  
Director and State Witness No.9  
NIC, A-Block, CGO Complex  
Lodhi Road, New Delhi-110 003.
- Respondents

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

These two Original Applications having been heard on 21<sup>st</sup> 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 25<sup>th</sup> 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

CERTIFIED TRUE COPY  
Date 27/11/13

*W*  
Section Officer (Judl)

