

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 15 OF 2010

Monday, this the 12th day of September, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

A.Swaminathan
Section Officer, Special Bureau
CBI Road, Kathrikadavu, Cochin
Residing at Quarter No.3/III
Special Bureau Staff Complex
Kathrikadavu, Cochin

... Applicant

(By Advocate Mr. Shafik M.A.)

versus

1. Union of India represented by the Secretary
Cabinet Secretariat
Government of India
New Delhi
2. The Additional Secretary
Cabinet Secretariat
Government of India
New Delhi
3. The Commissioner
Office of the Commissioner
Special Bureau, Government of India
C-4-C, 3rd Floor, 'C' Wing, Rajaji Bhavan
Chennai – 600 090

... Respondents

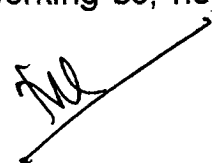
(By Advocate Mr. Sunil Jacob Jose, SCGSC)

The application having been heard on 12.09.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant is aggrieved by the charge memo, Annexure A-1 invoking the powers under Rule 14 of the CCS (CCA) Rules. He is a Section Officer of the Special Bureau, Cochin. While working so, he was



transferred to Rajkot. It is his case that he has suffered two major operations and his posting itself to Cochin was on medical grounds. According to him, normally within three years time an officer is not disturbed by any transfer. Earlier he had approached this Tribunal by filing OA 474/09, which was eventually allowed quashing the transfer order. According to him, Annexure A-1 charge memo is issued alleging violation of Rule 3 (i) and (iii) and 11 of the CCS (Conduct) Rules. He was due to retire by 31.12.2010 and now he has retired. According to him, the only object of continuing the disciplinary proceedings is to harass him.

2. Reply statement has been filed by the respondents denying the allegations made in the OA. They point out that while disposing the earlier OA 474/09, this Tribunal observed that in case of misbehaviour on the part of the applicant they can take action under the relevant Disciplinary Rules. Therefore, they were justified in taking the disciplinary action against the applicant. His transfer according to them, is due to administrative requirement and public interest. They pointed out that he has approached this Tribunal even prior to making any representation before the authorities. The charge memo alleges serious misconduct on the part of the applicant and that a warning memo was issued to the applicant earlier. The grounds urged by the applicant is irrelevant and the allegations of charges is denied. A rejoinder is also filed by the applicant wherein he has pointed out that the charge sheet is issued for producing the transfer order before this Tribunal. He also points out that the copy of the order was transmitted as an authentic record and it cannot be treated as tampering.




3. We have heard the counsel for both sides. The charge sheet was issued against the manner in which the applicant had produced the tele printer message, which is an inter departmental communication which the applicant could not have produced as an annexure in the case. When the matter was taken up today, the learned counsel for respondents submitted that the charge has since been dropped. As such, there is no lis pending for adjudication in this case. The order dated 31.12.2010 issued by the Special Secretary (Personnel) and Disciplinary Authority is made available for our perusal which shows that no worthwhile purpose will be served by continuing the disciplinary action under Rule 9 of the CCS (Pension) Rules after retirement. Hence in exercise of powers conferred under Rule 14 of the CCS (CCA) Rules, it was ordered that the charges framed vide memo of charges dated 07.10.2009 should be dropped.

4. Recording the above, OA is **dismissed** as at this stage it has become infructuous. No costs.

Dated, the 12th September, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS