

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 15 OF 2010

Monday, this the 12<sup>th</sup> 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, 3<sup>rd</sup> 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

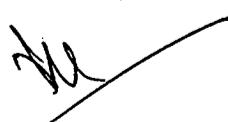
HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

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

*PRR*

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.

A handwritten signature in black ink, appearing to read 'V.M.', is written over a diagonal line.

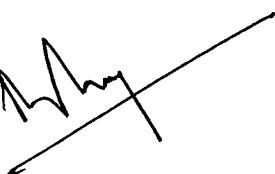
3. We have heard the counsel for both sides. The charge sheet was issued against the manner in which the applicant had produced the tele printer message, which is an inter departmental communication which the applicant could not have produced as an annexure in the case. When the matter was taken up today, 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 12<sup>th</sup> September, 2011.



K GEORGE JOSEPH  
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN  
JUDICIAL MEMBER

vs