

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO. : 559 of 2000

Dated this Friday, the 8th day of December, 2000.

CORAM : Hon'ble Shri B.S. Jai Parameshwar, Member (J).

Hon'ble Smt. Shanta Shastry, Member (A).

S. M. Subani,
Scientific Officer (D),
in the Directorate of Construction
Services and Estate Management,
Bhabha Atomic Research Centre,
Trombay, Mumbai - 400 001.

(By Advocate Shri M.S. Ramamurthy)

VERSUS

1. Union of India through
The Secretary,
Department of Atomic Energy,
Government of India,
Anushakti Bhavan, CSM Marg,
Mumbai - 400 001.
2. Shri R. Chidambaram,
Secretary,
Department of Atomic Energy,
Anushakti Bhavan,
Apollo Bunder, CSM Marg,
Mumbai - 400 001.
3. Shri A. K. Gupta,
Director,
Directorate of Construction
Services and Estate Management,
Vikram Sarabhai Bhavan,
Anushakti Nagar,
Mumbai - 400 094.
4. Shri J. S. Arora,
Chief Engineer (A),
Civil Engineering Division,
DCS & EM,
Vikram Sarabhai Bhavan,
Anushakti Nagar,
Mumbai - 400 094.

Respondents.

(By Advocate Shri R. R. Shetty).

OPEN COURT ORDER

PER : Shri B.S. Jai Parameshwar, Member (J).

Heard Shri M.S. Ramamurthy, the Learned Counsel for the applicant and Shri R. R. Shetty, the Learned Counsel for the Respondents.

2. The applicant is presently working as a Scientific Officer 'D' under the control of Respondent No. 3. The respondent authorities issued a charge memo dated 14.03.2000 exhibit-A, page 22 to the O.A.

3. The case of the applicant is that the allegations made against him in the charge memo are contrary to the facts. According to him, he reported for duty under Shri J.S. Arora, Chief Engineer (A), Civil Engineering Division (Respondent No. 4) but the said officer Mr. Arora, did not allow him to join for duty and he made a request to the higher authorities to post him to work under any other officer other than Shri J.S. Arora.

4. The applicant has filed this O.A. for the following O.As.:

"8.(a) that this Hon'ble Tribunal be pleased to hold and declare that the chargesheet memorandum dated 14.3.2000 (exhibit 'A') issued by Respondent No. 2 has been issued malafide and vindictively and is liable to be quashed and set aside.

(b) that this Hon'ble Tribunal be pleased to hold and declare that Respondent No. 2 has no legal or true factual basis for charging the Applicant with the allegations mentioned in the Articles of Charge in the Chargesheet dated 14.3.2000 and therefore, the said Chargesheet dated 14.3.2000 is liable to be quashed and set aside.

(c) that this Hon'ble Tribunal be pleased to quash and set aside the Chargesheet Memorandum dated 14.3.2000."

D

5. The respondents have filed a reply. They justify their action in issuing the charge memo dated 14.03.2000.

6. During the course of argument, the Learned Counsel brought to our notice the letters dated 30.11.1999 (page 49), 14.01.2000 (page 51) and the letter of the Chief Administrative Officer dated 10.02.2000 (page 52).

7. Relying upon these letters, the Learned Counsel for the applicant submitted that there is no substance in the charge memo and the applicant was always ready and willing to report for duty. It is the respondents themselves who have not permitted him to report for duty. Thus he submits that the charge memo has to be quashed.

8. At this stage, we feel it is not proper within our jurisdiction to quash the charge memo dated 14.03.2000.

9. During the course of arguments, the Learned Counsel for the applicant submits that the applicant is prepared to report for duty before ^{the} Respondent No. 3 and that the Respondent No. 3 be directed to take him on duty.

10. Hence, the following directions are given :

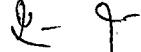
(a) The applicant may report for duty before the Respondent No. 3 on any convenient date.

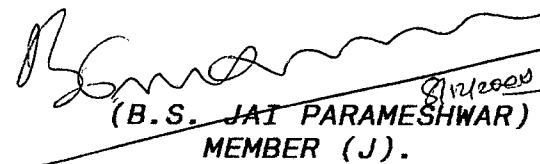
(b) On such report, the Respondent No. 3 shall take him to duty.

(c) All other contentions raised by the applicant with regard to the charge memo are kept open.

(d) The interim relief granted on 14.08.2000 shall stand vacated.

11. With the above directions, the O.A. is disposed of with no order as to costs.


(Smt. SHANTA SHAstry)
MEMBER (A).


(B.S. JAI PARAMESHWAR)
MEMBER (J).

OS*