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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 1/91

198

~~F.A. No.~~
XXXXXXXXXX

DATE OF DECISION 20.2.91

Mr. Bharat Gupta _____ Petitioner

Mr. G. S. Walia, _____ Advocate for the Petitioner (s)

Versus

Union of India and others _____ Respondent

Mr. K. P. Tinnia, for Mr. R. M. Agarwal, _____ Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. P.S. Chauthuri, M(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes
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P. S. Chauthuri
(P.S. CHAUCHURI)
M(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY

(4)

ORIGINAL APPLICATION NO.1/91

Mr. Bharat Gupta,
C/o G.S. Walia, Advocate,
High Court, Office No.65,
first floor, Prabhat Chamber, (Centre)
Near Fire Stn. New Konkan Bhavan,
New Bombay - 400614

.... Applicant

Vs.

Union of India and others

.... Respondents

CORAM : Hon'ble Shri U.C. Srivastava, Vice-Chairman,
Hon'ble Member Shri P.S. Chaudhuri, M(A)

Appearance :

Mr. G.S. Walia, Adv.
for the applicant

Mr. K.P. Tipnis, Adv.
for the Respondents.

ORAL JUDGMENT
(PER : P.S. Chaudhuri, M(A))

DATED : 20.2.1991

This Application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 19.12.1990. In it the applicant, who is working as Municipal Engineer, Public Works Department, Daman, is challenging the memorandum of charges dated 12.10.1990 issued to him by the second respondent.

2. We have heard Mr. G.S. Walia, learned counsel for the applicant and Mr. K.P. Tipnis, holding the brief of Mr. R.M. Agarwal, learned counsel for the respondents.

3. As the facts are not in dispute and the point at issue is elementary, we are admitting the application and deciding it at the admission stage itself.

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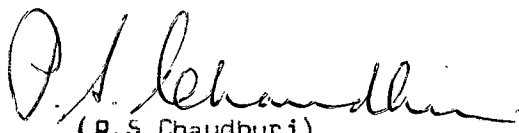
4. The applicant's grounds for challenging the memorandum of charges is that the one article of charge that it contains is inseparably based on the wording of an application filed, and still pending, before this Tribunal and that such an action on the part of the respondents amounts to contempt of the judicial process.


5. We find that the said article of charge is that the applicant has made false, baseless allegations using indecent and impolite language against his superiors and other higher officers of the Administration while making representation to the higher authority and petition to the Court/Administrative Tribunal which conduct is unbecoming of a Govt. Servant and amounts to breach of rule 3 of the Central Civil Services (conduct) Rules, 1964.

6. We would not like to make any comments on the language used in the application at this stage, but the article of charge has only to be seen for it to be said that the single article of charge as framed can not stand judicial scrutiny. The Respondents have no answer to this position.

7. In view of this position we have no hesitation to hold that ^{such} no/article of charges can be issued. We do not propose to take any action for contempt as as been requested by the applicant as the impugned chargesheet is being quashed.

8. In view of this position the application is allowed. We order that the impugned memorandum dated 12.10.1990 be quashed and set aside. There will no order as to costs.


(P.S. Chaudhuri)
M(A)


(U.C. Srivastava)
VC