

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 19.12.2002

OA No.535/02

A.S.S.S.Hargopal s/o late Shri A.suryanarayana, aged 49 years, Occupation Government Servant, Dy. OLD D.O.D.O., r/o Q.No.6, Type-V, IBM Colony, Balupura Road, Adarsh Nagar, Ajmer.

.. Applicant

Versus

1. Union of India through the Secretary to Government of India, Ministry of Coal and Mines, Department of Mines, Shastri Bhawan, New Delhi.
2. Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur.
3. Director (Ore Dressing)/Incharge Ore Dressing Division, Indira Bhavan, Civil Lines, Nagpur.
4. Chief Vigilance Officer, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur.
5. Superintending Officer (Ore Dressing) (SH.P.N.DFO) Regional Ore Dressing Laboratory, Indian Bureau of Mines, Makhupura Industrial Estate, Nasirabad Road, Ajmer.

.. Respondents

Mr.Uday Pratap Gaur - counsel for the applicant

CORAM:

Hon'ble Mr. H.O.Gupta, Member (Administrative)

Hon'ble Mr. M.L.Chauhan, Member (Judicial)

O R D E R

Per Hon'ble Mr. H.O.Gupta, Member (Administrative)

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In this OA the applicant has prayed for following reliefs, on various grounds stated therein:-

"By an appropriate order of direction the respondent 1 to 4 be directed to take disciplinary action the respondents No.5 as per rule and law.

By an appropriate order or direction the respondent No.1 to 5 be directed not to take any vindictive action against the applicant.

Any other order passed by the respondents prejudicial to the applicant during the pendency of the application may kindly be taken on record and same may be set aside and quashed."

2. Briefly stated, the case of the applicant as made out is that the respondent No.5 while functioning as Superintending Officer (Ore Dressing) at Ajmer being the seniormost supervisory authority of the Department for Ajmer Zone, in pursuit of achieving his own concealed objectives, conducted planned events such as rearranged/reduced the working group of the applicant by constituting a new independent group of ~~xx~~ junior officers detached from the applicant, insisted that the applicant to work on pirated software, by-passed the applicant and gave direct guidance to the officers not part of the group, created hostile and sensitive atmosphere towards the applicant, resorted to use of abuses and unparliamentary language, threatened to terminate the services of the applicant, physically assaulted him causing grievous injury.

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3. Heard the learned counsel for the applicant at length.


3.1 The learned counsel for the applicant submitted that the respondent No.5 physically assaulted the applicant inflicting grievous injuries. The respondent No.5 not only committed serious misconduct but also a serious criminal offence crossing the limits of decency, morality and humality. He also used filthy language, threatened to terminate him from service and passed remarks on the family members. He had also filed FIR dated 9.11.98 (Ann.A1). As per rules 10(1)(b) of CCS (CCA) Rules, the authorities are empowered to place a Govt. servant under suspension but the respondent No.5 was neither suspended nor any change in his behaviour was observed.

3.2 The first relief as sought by the applicant is for appropriate directions to the official respondent Nos. 1 to 4 to take disciplinary action against respondent No.5 as per rule and law and the second relief as sought by the applicant is for direction to the respondent Nos. 1 to 5 not to take any vindictive action against the applicant and if any order is passed during the pendency of this OA, the same may be quashed.


3.3 The applicant has failed to bring out how this Tribunal has jurisdiction, powers or authority to entertain this application. Neither any disciplinary action has been initiated nor any adverse order has been passed by the authorities against the applicant. He can not invoke the jurisdiction of this Tribunal for directions to the official respondents to take

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disciplinary action against respondent No.5. It is for the authorities to take a view in accordance with rules. In view of above discussions, this OA is not maintainable and, therefore, dismissed at the admission stage itself.


(M.L. CHAUHAN)

Member (J)


(H.O. GUPTA)

Member (A)