

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 724 of 2003

Indore, this the 10th day of January, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

T. Radhakrishnan,
S/o. Shri C. Thankappan,
Aged about 47 years, Chief Vigilance
Officer, Hindustan Machine Tools Ltd.,
No. 59, Bellary Road,
Bangalore.

.... Applicant

(By Advocate – Shri Pankaj Dubey)

V e r s u s

1. Union of India, through the Secretary,
Department of Personnel & Training,
Ministry of Home Affairs, North Block,
New Delhi.
2. State of Madhya Pradesh, Through the
the Principal Secretary, Women and Child
Development Department, Mantralaya,
Vallabh Bhawan, Bhopal (MP).
3. State of Chhatisgarh, Through Principal
Secretary, General Administration Department,
D.K.S. Bhawan, Raipur (MP).
4. Union Public Service Commission,
Through its Secretary, Dhoulpur House,
New Delhi.

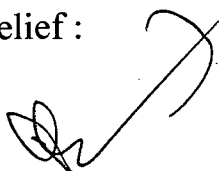
.... Respondents

(By Advocate – Shri S.P. Singh)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the
following main relief :



"I. to quash the impugned charge sheet dated 12.9.2003 issued by respondent No. 3 (Annexure A-5)."

2. The brief facts of the case are that the applicant is an IAS Officer of 1978 batch and was allocated to the State of Madhya Pradesh cadre. Since the date of his appointment was in the year 1978 the applicant has held various important assignments and posts. The applicant was due for consideration for promotion to the post of Principal Secretary in the month of May, 2003. Having an excellent record it was definite conclusion that the applicant would be awarded his promotion. However, to his complete surprise the applicant was issued a show cause notice dated 17.10.2002, wherein he was asked to show cause as to why action should not taken against him under All India Services (Discipline and Appeal) Rules, 1969. The applicant sought relevant documents and raised preliminary objections against it. The applicant strongly relied upon the procedure followed in issuing the show cause notice and requested that the same be withdrawn as it is not issued in accordance with the rules and procedures laid down. The applicant in his reply submitted that the accounts of the Department were audited and also approved by the Accountant General, M.P. and no discrepancy or violation was either noticed or pointed out. In addition to the reply dated 8.11.2002 and after receiving some of the official documents from the respondent No. 3, the applicant once again submitted a detailed reply dated 15.4.2003. The applicant again questioned the jurisdiction to issue the show cause notice and brought to the notice of the respondents that he has not committed any violation with regard to the disbursement of grant-in-aid in favour of the NGOs in question or disbursement through Vindhyachal Treasury, Bhopal. The respondents, even though on specific request of the applicant did not supply him with the relevant files. Thereafter, the respondents served him with a charge sheet under Rule 8 of All India Services (Discipline & Appeal) Rules, 1969 wherein a single charge has been framed against the applicant that he had committed a misconduct in drawing funds amounting to Rs. 96,375/-, 98,500/- and Rs. 95,000/- from the Vindhyachal Treasury, Bhopal and making the payment by way of



Bank Drafts to Shanti Jan Seva and Shiksha Prasar Samiti, Shivpuri, Model Education Society, Shahpura, branches at Shivpuri and Hoshangabad. The applicant has violated Rule 16 of the MP Government, Grant-in-aid to NGOs, Women and Child Development Department Rules. The applicant had therefore extended undue benefits to the institution and had caused financial loss to the State Government. Hence, the applicant has violated the All India Services (Conduct) Rules, 1968. The applicant further submitted that the respondents have intentionally and malafidely initiated the departmental enquiry against the applicant only to block his future promotional career that accrues to him on account of exemplary service. Hence, this Original Application.

3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued on behalf of the applicant that the alleged charge sheet is issued against the applicant at the very point of time when his promotion to the next higher grade was due, on false and frivolous grounds. Earlier to this notice was also issued without following the mandatory rules and procedure. The applicant submitted his representation against the show cause notice and also against the charge sheet. This charge sheet is issued with malafide intention and is liable to be quashed and set aside.

5. It is argued on behalf of the respondent No. 2 i.e. the State of Madhya Pradesh that the services of the applicant have been finally allocated to the State of Chhattisgarh. While serving in the State of Madhya Pradesh certain lapses on the part of the applicant were observed. The impugned charge sheet has been issued to him by the State of Chhattisgarh. The respondent No. 2 is not in possession of any record relating to this case.

6. The learned counsel for the State of Chhattisgarh argued that during the period from 1996 to 1998 the applicant was discharging the



duties of Commissioner of Woman and Child Development under the Ministry of Women and Child Development Department, Government of Madhya Pradesh. He took the charge of the said post on 3.10.1996. The applicant misused his financial powers against all cannons of law and without following the prescribed procedure, in disbursing the aid to non-Government organization and who in turn have made unlawful gains to the applicant, which caused loss to the Government. On being found a prima facie case against the applicant, a show cause notice was issued to the applicant by the General Administration Department, State of Chhattisgarh on 17.10.2002, seeking action against him under All India Services (Discipline and Appeal) Rules, 1969 advising him to reply the show cause notice within a period of 15 days. The applicant submitted the detailed reply on 8.11.2002 and also submitted an additional reply too. The show cause notice has been issued by the State of Chhattisgarh for the irregularities committed by him during his tenure when he was posted in the State of Madhya Pradesh. After receiving the findings of the Economic Offence Bureau, the same was forwarded to the State of Chhattisgarh by the Government of Madhya Pradesh vide letter dated 26.4.2003 and the applicant was served with a charge sheet dated 12.9.2003 strictly in accordance with the rules. Since the applicant is presently working in the State of Chhattisgarh, the State of Chhattisgarh has a right to take disciplinary action against the applicant. Thus the applicant cannot raise the question of legality and validity of the issuance of the charge sheet until the outcome of the departmental enquiry. The State of Chhattisgarh has still to appoint the enquiry officer and the enquiry officer will be appointed only after receiving the comments from the State of Madhya Pradesh. Hence, the reliefs claimed by the applicant are premature and this OA deserves to be dismissed.

7. After hearing the learned counsel for the parties and on careful perusal of the records we find that while the applicant was serving in the State of Madhya Pradesh certain financial irregularities were committed by the applicant and the charges levelled against the applicant seems to be



serious in nature and are also alleged to be based on the report submitted by the State of Madhya Pradesh. The applicant could not show the fact of any malafide on the part of the respondents. Mere allegation regarding it seems to be not trust worthy at this stage. Hence, we are of the considered opinion that ends of justice would be met if the respondent No. 3 i.e. the State of Chhattisgarh is directed to conclude the departmental enquiry proceedings pending against the applicant within a period of four months from the date of receipt of a copy of this order. We do so accordingly. It is further made clear that the applicant shall also fully co-operate in the enquiry proceedings, so that any un-necessary delay is not caused in concluding the departmental proceedings.

8. Accordingly, the Original Application stands disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठांकन सं ओ/न्या. जबलपुर, दि.
प तिलिपि अ वी विल:-

"SA"

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु. के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/कु. के काउंसल
- (4) कंथपल्ल, के.प्र.अ., जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

P. Dubey 22.7.08
S.P. Singh 22.7.08
as heardie 20.8.
Day 22.7.08

Issued
On 20.1.05
BS