

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

**ORDERS OF THE TRIBUNAL**

21/05/2014

M.A. No. 80/2012 (O.A. No. 106/2008) with M.A. No.  
291/00208/2014

Mr. S.K. Jain, Counsel for the applicant  
Mr. V.D. Sharma counsel for the respondents

M.A. No. 80/2012

Heard learned counsel for the parties on M.A. No. 80/2012  
filed by the applicant praying for restoration of O.A. No.  
106/2008.


Having considered the submissions made on behalf of the  
parties, M.A. for restoration of O.A. No. 106/2008, is allowed.  
O.A. is restored to its original number and status. With the  
consent of the parties, the matter is taken up for final hearing  
today itself.

O.A. No. 106/2008 with M.A. No. 291/00208/2014

Heard the learned counsel for the parties.


Order Reserved.

  
(M. Nagarajan)  
Member (J)

  
(Anil Kumar)  
Member (A)

Vv  
DA-29/5/2014

Order pronounced today in the open  
Court by the aforesaid Bench.

  
29/5/14  
GO

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

**ORIGINAL APPLICATION No. 106/2008**  
**WITH**  
**MISC. APPLICATION NO. 291/00208/2014**

**ORDER RESERVED ON 21.05.2014**

**DATE OF ORDER : 29.5.2014**

CORAM :

**HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**  
**HON'BLE MR. M. NAGARAJAN, JUDICIAL MEMBER**

T.R. Verma son of Shri Kishan Lal Verma, aged about 63 years,  
resident of A-79, Malviya Nagar, Jaipur.

... Applicant

(By Advocate: Mr. S.K. Jain)

Versus

1. Union of India through Secretary, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, Government of India, New Delhi.
2. State of Rajasthan through Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur.

... Respondents

(By Advocate: Mr. V.D. Sharma)

**ORDER**

**PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

The applicant has filed this OA praying for the following reliefs:-

- "(i) to quash and set aside the order dated 11.09.2007 (Annexure A/1); memorandum dated 29.06.2004 (Annexure A/2); notice dated 31.01.2008 as well as the entire enquiry proceedings holding the same bad in law and to direct the respondents to grant the applicant all consequential benefits;
- (ii) Any other suitable direction, which the Hon'ble Tribunal deems fit and proper in the circumstances of the case mentioned herein above may be passed in favour of the humble applicant.
- (iii) The cost of the OA may also be granted to the applicant."

*Anil Kumar*

2. The facts & circumstances and the law point involved in this OA are similar to the OA filed by the applicant in OA No. 105/2008 and 107/2008. The only additional point raised by the applicant in this OA is that on the basis of an inquiry conducted by the Lokayukta at his own level, he proceeded to set aside the decisions taken by the BPC during the Chairmanship and tenure of the applicant in JDA. One of such decisions was with regard to allowing change of the map of the revolving tower in a round shape and further also directing the said builder to construct an economic class revolving tower on the top of the building plan by granting exclusion of the revolving tower area above 2.5 FAR. Such a decision taken in one meeting held of the BPC dated 29.10.1993 was set aside by the Lokayukta against which the concerned builder took up the matter in the courts and the matter came up was finally decided by the Hon'ble Supreme Court and it was held that the decision taken by the BPC was proper and in order. A photo state copy of the judgment given by the Hon'ble Supreme Court by way of appointment of Hon'ble Justice Shri Kasliwal as the Commissioner for giving his decision on the matter and the same was made part of the judgment of the Hon'ble Supreme Court is placed on record and marked as Annexure A/4. It may be pertinent to mention that the matter has been finally settled in view of the decision given by the Hon'ble Supreme Court.

3. The learned counsel for the applicant further submitted that in the same matter, the applicant was subjected to blatant

*Anil Kumar*

victimization as the respondent no. 2 not only initiated the departmental proceedings against the applicant which are under challenge before this Hon'ble Tribunal in the present case, but also initiated criminal proceedings by lodging an FIR relating to the same charges in the year 1998 itself. The FIR No. 157/1998 lodged before the ACD authorities under Section 109, 120, 166, 418 IPC and Section 13B(2) PC Act and under Section 120 B IPC is being placed on record and marked as Annexure A/5.

4. All other grounds taken by the applicant are similar to the grounds taken by him in OA No. 105/2008 and 107/2008.

5. The respondents have filed their reply. The respondents have also filed the reply on similar grounds, as filed by them in OA Nos. 105/2008 and 107/2008 and their stand is that the OA has no merit and it should be dismissed with costs.

6. Heard the learned counsel for the parties and perused the documents on record.

7. With regard to the contention of the learned counsel for the applicant that one of the decisions taken by the applicant with regard to allowing change of map of the Revolving Tower, the matter was taken up in the Courts by the concerned builder against the decision of the Lokayukta and the matter came up before the Hon'ble Supreme Court and it was held that the decision taken by the BPC was proper and in order and, therefore, the charge sheet issued to the applicant on this ground is not maintainable, the learned counsel for the respondents submitted that the applicant

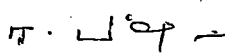
*Anil Kumar*

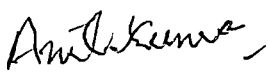
can raise all these objections before the Inquiry Officer or before the Disciplinary Authority as the case may be but the Tribunal cannot quash the charge sheet issued to the applicant on this ground at this stage. We are inclined to agree with the contentions made by the learned counsel for the respondents and we are of the view that the applicant can raise this issue regarding the decision taken by the Hon'ble Supreme Court in the case of **Om Kothari Parivarik Trust & Others vs. Jaipur Development Authority & Another**, Civil Appeal No. 16763 of 1993 decided on 05.01.2000, (Annexure A/4) before the Inquiry Officer or before the Disciplinary Authority. On this ground, the charge sheet cannot be quashed. All other points raised by the applicant in the present OA have already been covered by the Tribunal's order passed in OA No. 105/2008 and 107/2008. The order passed by this Tribunal in OA No. 105/2008 and OA No. 107/2008 shall form part of this order.

8. The Registry is directed to place the copy of the order passed in OA No. 105/2008 and 107/2008 in the file of this OA.

9. With these observations/directions, the OA is disposed of with no order as to costs.

10. In view of the order passed in the OA, the prayer sought in MA No. 291/00208/2014 for grant of interim relief does not survive for consideration.

  
(M. NAGARAJAN)  
MEMBER (J)

  
(ANIL KUMAR)  
MEMBER (A)