

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH**

Jaipur, this the 25<sup>th</sup> day of March, 2010

**Original Application No.148/2010**

**CORAM:**

**HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)**

Smt. Geeta Khatri  
w/o Virendra Khatri,  
r/o 4-215, Jawahar Nagar, Jaipur  
at present working as Stenographer,  
Regional Office for Health and Family Welfare,  
Jaipur.

**..Applicant**

(By Advocate: Shri Surendra Singh)

**Versus**

1. Union of India  
Through its Secretary,  
Ministry of Health  
(Central Health Services),  
Department of Health and Family Welfare,  
Government of India,  
Room No. 150A, Nirman Bhawan,  
New Delhi.
2. Director,  
Non Vector Borne Disease and  
Directorate of Council Programme,  
22, Shyam Nath Marg,  
New Delhi.
3. Dr. K.K.Mathur,  
Senior Regional Director,  
Office of Regional Health & Family Rehabilitation,  
Central Sadan,  
Block-B, 2<sup>nd</sup> Floor, Sector-10,  
Vidyadhar Nagar, Jaipur.

2  
.. Respondents

(By Advocate:....)

ORDER (ORAL)

The applicant has challenged the impugned order dated 19.5.2009 passed by respondent No.3 whereby the applicant has been imposed minor penalty under Rule 11(iv) of the CCS (CCA) Rules, 1965. The grievance of the applicant is <sup>that</sup> prior to imposition of penalty, no chargesheet was issued to the applicant either under Rule 14 or under Rule 16 of the CCS (CCA) Rules, 1965, as such, it was not permissible for respondent No.3 to pass impugned order thereby imposing penalty under Rule 11, without following the procedure laid down in the CCS (CCA) Rules.

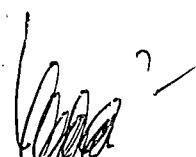
2. I have given due consideration to the submissions made by the learned counsel for the applicant. Prima-facie I am of the view that the contention so raised by the applicant has considerable force. The penalty under Rule 11 of the CCS (CCA) Rules can be imposed only if a person is issued chargesheet either under Rules 14 or under Rule 16 and after following the procedure laid down in these rules. No such penalty under Rule 11 can be imposed unless chargesheet under the aforesaid rules is not issued and the delinquent official is not given opportunity to defend his case as per rules. Since the applicant has not availed statutory remedy of appeal, I am of the view that ends of justice will be met if the applicant is permitted to file appeal before the appellate authority

who will consider the same in the light of the contention so raised by the applicant in the appeal.

3. Accordingly, the applicant is directed to file statutory appeal before the appellate authority within a period of two weeks from today. In case such appeal is filed, the appellate authority shall consider the case of the applicant and pass reasoned and speaking order keeping in view the mandate of Rule 27 of the CCS (CCA) Rules, 1965. Further, prima-facie, I am satisfied that the impugned order Ann.A/1 which has been passed in violation of the procedure prescribed under the CCS (CCA) Rules and also in violation of the principles of natural justice, as such it is nullity and thus operation of the impugned order Ann.A/1 is stayed till the disposal of the appeal by the appellate authority.

4. With these observations, the OA is disposed of at admission stage.

5. It is however clarified that passing of this order may not be construed that the competent authority cannot proceed afresh by issuing chargesheet after withdrawal of the impugned order and the aforesaid order has been passed on the basis of the contention so raised by the applicant that the penalty has been imposed without issuing chargesheet.



(M.L.CHAUHAN)

Judl. Member

R/