

OA No. 060/00888/2014
(Gyanendra Kumar Jain Vs. UOI & Ors.)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No. 060/00888/2014

Date of decision-31.08.2015

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

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Gyanendra Kumar Jain son of Late Sh. Jai Chand Jain age 56 years
working as Deputy Integrated Financial Advisor (Dy. I.F.A) in the office
of I.F.A, HQ, WC, Chandimandir.

...APPLICANT

BY ADVOCATE : Sh. K.B. Sharma, Advocate proxy for Sh. D. R.
Sharma, counsel for the applicant.



VERSUS

1. Union of India through Secretary Ministry of Defence, South Block, New Delhi -110011.
2. The Controller General of Defence Accounts, Ultan Batar Road, Palam, Delhi Cantt. - 110010.

...RESPONDENTS

BY ADVOCATE: Sh. Ram Lal Gupta, Senior CGSC.

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ORDER (ORAL)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

1. Challenge in this O.A is to the charges leveled against the applicant vide memorandum dated 28.03.2012 (Annexure A-1).
2. Upon notice, Sh. Ram Lal Gupta, Senior CGSC puts in appearance on behalf of the respondents. He submitted that the authorities have already conducted an enquiry. Enquiry report and reply given by the applicant have been submitted to the Secretary Defence, who is the competent authority, to take a decision thereupon.
3. Learned counsel for the respondents submitted that since they have concluded the inquiry and the matter is at final stage, therefore, they may be granted one month's time to take a view in the matter by passing necessary order. The same is also endorsed by the counsel opposite.
4. It is well settled by now by a series of decisions of Hon'ble Supreme Court that ordinarily no writ lies against a show cause notice or a charge sheet. A mere charge sheet/ show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a



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person having no power and authority to do so. It is quite possible that after considering the reply to the show cause notice, the authority concerned may drop the proceedings. It is well settled that a writ lies when some right of any party is infringed. A mere show cause notice/chargesheet does not infringe right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance. This view finds support from the judgment passed in case of State of Uttar Pradesh Vs. Brahm Dutt Sharma & Anr., AIR 1987 SC 943 and Union of India Vs. Kunisetty Satyanaraya, (2006) 12 SCC 28. Needless to mention that normal rule is that a court should not quash charge sheet/ Show cause notice and it is only in exceptional cases such as the charge sheet having been issued without jurisdiction or being otherwise illegal.

5. Considering above settled law coupled with the fact that the respondents have conducted the enquiry in pursuance of the charge sheet and matter is at final stage as there was no restrain order against the respondents not to conclude the inquiry by this court, therefore, we are not inclined to interfere at this stage with the charge-sheet, the present O.A

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is disposed of with a direction to the competent authority amongst the respondents to finalize the disciplinary proceeding by passing a reasoned and speaking order within a period of one month from the date of receipt of a certified copy of the order. Order so passed be duly communicated to the applicant. If he still feels aggrieved by the decision of the respondents, he is always at liberty to approach the appropriate legal forum.

6. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 31.08.2015

'jk'

Certified True Copy/प्रमाणित सत्य प्रतिलिपि
अनुभाग अधिकारी (नए)/अधीनस्थ अधिकारी (Judl.)
Central Adm'n
चण्डीगढ़ / Chandigarh Bench
02/09/15 09/09/15

True copy

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