

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-248/2017

Reserved on : 20.01.2017.

Pronounced on :24.01.2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. Subhash Sharma,
59 years, Group-B,
S/o Sh. Late P.C. Sharma,
R/o B-16, Officer Flats,
Tihar Jail Complex,
New Delhi-110064.

.... Applicant

(through Sh. Bharat Bhushan, Advocate)

Versus

1. LG,
Rajniwas, New Delhi.
2. Govt. of NCT, Delhi
Through Chief Secretary,
Player Building,
Delhi Secretariat,
GNCTD, Delhi.
3. The Principal Secretary (Home),
Player Building,
Delhi Secretariat.
4. DG, Delhi Prisons
,
Near Lajwanti Chowk,
Janak Puri,
New Delhi.

..... Respondents

O R D E R

Mr. Shekhar Agarwal, Member (A)

The applicant got involved in a sting operation conducted by a TV News Channel and telecast on 01.10.2013 showing alleged

acceptance of bribe by certain persons. A CD containing the aforesaid was provided to the respondents on 03.10.2013. Thereafter, the respondents placed the applicant along with others under suspension. The respondents on 14.10.2013 also wrote to the Police to register FIR against the involved persons. A charge sheet was served to the applicant on 08.01.21016. According to the submissions made by learned counsel for the applicant that enquiry is still in progress.

2. The applicant has, however, now approached this Tribunal seeking the following relief:-

- “(i) Declare that the order of suspension dated 4.10.2013 and the subsequent orders of continuing the same are no nest.
- (ii) Declare that the order to initiate disciplinary proceedings is without any sufficient material.
- (iii) Declare that the charges leveled against the applicant in the Charged Memo dated 8.1.2016 are without any material and the same is liable to be vacated.
- (iv) And may pass any other or further order(s) as deemed just and proper in the facts and circumstances of the case and in the larger interest of Justice and Equity.”

3. Learned counsel for the applicant argued that the applicant is being made to face enquiry even though no charge is made out against him and there is no evidence in support of the same.

4. We notice that the charge sheet was served on the applicant on 08.01.2016 and more than a year has elapsed since then. As per

the applicant's own admission the enquiry is now in progress. Therefore, at this stage, when the enquiry is still in progress, it cannot be adjudicated by us whether sufficient evidence is available to prove the charge against the applicant or not. We, therefore, see no reason to interfere in the proceedings at this interlocutory stage no adverse order against the applicant has so far been passed in the enquiry proceedings.

5. We place reliance on the judgment of Hon'ble Supreme Court in the case of **Chief of Army Staff Vs. Major Dharam Pal Kukrety**, (1985) 2 SCC 412 wherein it has been held that Courts should not interfere in the proceedings at charge sheet stage except when it is alleged that the charge sheet has been issued by an incompetent authority or is a result of mala fide. We notice that none of these grounds has been taken by the applicant.

6. In view of the aforesaid, we do not find this O.A. to be maintainable and dismiss the same in limine. The applicant can approach this Tribunal if he is aggrieved by the final orders passed in the disciplinary proceedings. No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/