

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.59/2017

New Delhi, this the 6th day of January, 2017.

HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Shri Roop Narain,
Age 62 years
S/o Shri Motilal
Executive Engineer,
House No.F-51, Sector-56,
Noida-201301. -Applicant

(Applicant in person)

V E R S U S

1. Union of India,
Through Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi-110011.
2. Director General,
Central Public Work Department,
Niman Bhavan,
New Delhi-110011. Respondents

ORDER (ORAL)

By Mr. Justice Permod Kohli

The applicant has filed this OA challenging the Memorandum dated 12.07.2016 whereby disciplinary proceedings are proposed against him with the sanction of the President under Rule 9 of the CCS (Pension) Rules, 1972, as the applicant retired from service. He has also challenged the order dated 25.11.2016 whereby

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inquiry officer has been appointed to enquire into the charges framed against him.

2. The Memorandum dated 12.07.2016 is accompanied with the statement of article of charge framed against the applicant Annexure-I. As many as four articles of charge have been framed against the applicant and statement of imputation of misconduct in support of article of charge is also annexed Annexure-II thereto. The only ground to challenge the Memorandum and the appointment of the inquiry officer is mala fide. The applicant, who appears in person, submits that he has given a detailed response to the charge-sheet and even earlier, when he was issued a show cause notice, he had submitted a detailed reply but the same has not been considered. The fact is that after the response of the applicant to the charge memo filed, the inquiry officer has been appointed after examining the response of the applicant, meaning thereby that the response of the applicant has been considered. In any case, there is no specific allegation of mala fide against any individual or at least the disciplinary authority. No such persons have been impleaded as parties against whom allegations of mala fide are said to have been made by him. In any case, the justification rendered by the applicant in his response to the memo of charge is required to be

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examined during the course of the enquiry. It is not open to this Tribunal to examine the authenticity, genuineness of the averments made by the applicant in his response nor the validity of the charge against the applicant can be examined at this stage. All these things are required to be proved/disproved during the course of enquiry by way of evidence, oral/documentary for which list of documents as also list of witnesses already stands furnished to the applicant.

3. We do not find that there is any scope for judicial intervention at this stage. No merit, dismissed.

(NITA CHOWDHURY)
MEMBER (A)

(PERMOD KOHLI)
CHAIRMAN

/kdr/