

**Central Administrative Tribunal
Principal Bench**

OA-102/2018

New Delhi, this the 11th day of January, 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)

Naresh Kumar Sharma
S/o Jaisingh, aged 56 years
Presently working as
Deputy Director General,
NSSO (DPC), Ministry of Statistics & PI
7th Floor, Lilamani Corporate Heights
Opp. BRTS Bus Stop, Vadaj
Ahmedabad-380013
(Permanent resident of
D-703, Swagatam Appt, C-58/7
Sector-62, Noida-201301)

-Applicant

(Applicant in person)

Versus

1. Union of India
(through the Chief Statistician of India and Secretary)
Ministry of Statistics & PI
4th Floor, S.P. Bhawan,
Sansad Marg,
New Delhi-110001)

2. Dr. T.C.A. Anant
Presently working as
Chief Statistician of India and Secretary
Ministry of Statistics & PI
4th Floor, S.P. Bhawan,
Sansad Marg,
New Delhi-110001)

-Respondents

(through Sh. R.K. Sharma)

ORDER(ORAL)

Hon'ble Mr. Justice Permod Kohli

Issue notice to the respondents. Learned counsel Sh. R.K. Sharma accepts notice.

2. The applicant was issued memorandum dated 09.06.2015 for initiating minor disciplinary action against him. He was asked to submit his response within ten days. He accordingly submitted his response to the aforesaid memorandum though beyond time. Earlier the applicant had filed OA No. 758/2016 before the Ahmedabad Bench of the Tribunal challenging his transfer order from Chennai to Ahmedabad. It is averred that in the said OA, a reply was filed by the respondents and extract whereof has been placed on record as Annexure A/7. It is stated that in the said reply, the respondents have mentioned that advice of UPSC was sought in regard to the disciplinary proceedings against the applicant. One of the grievances projected in the present OA is that the advice of UPSC has not been furnished to the applicant and the disciplinary authority is ceased of the matter to pass final order. The non-furnishing of advice is violative of the principle of natural justice as laid down by Supreme Court in the case of **Union of India & Ors. Vs. S.K. Kapoor (2011) 4 SCC 589**.

3. At this stage, without going into the other aspects, we dispose of this OA at the admission stage itself with a direction to respondent no. 1 to furnish copy of UPSC advice to the applicant within four weeks. The applicant shall have the liberty to respond to the said advice within a period of two weeks thereafter. Suffice it to say that the disciplinary authority would take into consideration the representation made by the applicant in response to the memorandum as also representation in respect to the advice of the UPSC and thereafter pass appropriate order in accordance with law.

(Praveen Mahajan)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/