

Central Administrative Tribunal  
Principal Bench  
New Delhi

R.A.No.303/2016  
in  
O.A.No.4350/2012

New Delhi, this the 16th day of January, 2017

**Hon'ble Shri V. Ajay Kumar, Member (J)  
Hon'ble Shri K.N.Shrivastava, Member (A)**

Ms. Neelam Malhotra, Aged about 53 years  
W/o Sh. Shushil Kumar Malhotra  
H.No.J-73, GF, Vikaspuri  
New Delhi – 110 018. ....

## Applicant

## Versus

1. Union of India through  
The Secretary,  
Ministry of Labour & Employment  
Shram Shakti Bhawan, Rafi Marg  
New Delhi – 110 001. .. Respondent No.1

2. Presiding Officer (Dr. R.K.Yadav)  
CGIT cum Labour Court No.1  
Room No.38, Karkardooma Courts  
Shashdra, Delhi – 110 032. .. Respondent No.2

## **ORDER (By Circulation)**

**By V. Ajay Kumar, Member (J):**

The applicant filed the OA No.4350/2012 questioning the Memorandum of Charges dated 01.11.2010. The said Charge Memorandum contains the following charge:

"That Ms. Neelam Malhotra, LDC, presently under suspension, during month of September, 2010, acted in most objectionable manner when she wrote to the Secretary, Ministry of Labour and Employment, Govt. of India, New Delhi, on 1.9.10 and 3.9.10, asking him to supply certain information (copy of the applications attached), by passing CPIO and Appellate Authority under RTI Act, which were prescribed channel of communication

and she very well knew that Appellate Authority under the RTI Act, is her Head of Department, without whose permission she can not address any communication to the Secretary, Ministry of Labour & Employment, Govt. of India, New Delhi or any other authority of Govt. of India, and by communicating directly to the Secretary, Ministry of Labour & Employment, Govt. of India, New Delhi, she acted contrary to official propriety and subversive of good discipline. Ms. Neelam Malhotra, LDC, presently under suspension, addressed a communication dated 13.10.2010 (copy attached) to the Secretary, Ministry of Labour and Employment, Govt. of India, New Delhi, by passing the prescribed channel viz. her Head of Department, which fact has been clearly deciphered by her, in her written brief (arguments) submitted on 27.10.2010 in departmental enquiry being conducted against her and thus acted in most objectionable manner, contrary to official propriety and subversive of good discipline. The above acts of Ms. Neelam Malhotra, LDC, amount insubordination, which is unbecoming conduct, attracting the provisions of Rule 3(1)(iii) of CCS (Conduct) Rules, 1964, and constitute misconduct, hereby she rendered herself liable for disciplinary action under Rule 14 of the CCS (CCA) Rules, 1965."

2. The said OA was disposed of by this Tribunal, along with other two OAs filed by the applicant, vide its Order dated 28.11.2016, the operative part of which reads as under:

"14. In the circumstances and for the aforesaid reasons, the interim stay is vacated and the OA No.4350/2012 is disposed of by directing the respondent No.1 to proceed with the impugned charge memorandum, from the stage where it was stopped, after giving full and fair opportunity to the applicant as per rules, and by conducting the departmental inquiry and by passing the disciplinary orders in pursuance thereto, by a competent authority other than the 2nd Respondent-Dr. R.K.Yadav. The applicant is at liberty to raise all the grounds available to her, by submitting her defence statement to the 10 charge memorandum, if not already submitted or at all stages of the disciplinary proceedings. This exercise shall be completed within four months from the date of receipt of a copy of this order. No costs."

3. The applicant failed to point out any error apparent on the face of the record of the order. No ground valid for invocation of review power is shown. The applicant is trying to reargue the OA with regard to his claim by way of filing the present RA, which is not permissible, as per the settled principles of law.

4. In the circumstances, the RA is dismissed, being devoid of any merit. No costs.

(K. N. Shrivastava)  
Member (A)

(V. Ajay Kumar)  
Member (J)

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