

Central Administrative Tribunal  
Principal Bench  
New Delhi

O.A.No.1531/2012

Order Reserved on: 17.03.2016  
Order pronounced on 31.03.2016

Hon'ble Shri V. Ajay Kumar, Member (J)  
Hon'ble Shri V. N. Gaur, Member (A)

**E. Nagachandran**

S/o Shri P.Easwaran

Deputy Director

Ministry of Corporate Affairs

R/o C-305, Pragati Vihar

New Delhi – 110 003.

... Applicant

(Applicant in person)

Versus

**1. Union of India**

Through the Chief Statistician of India and Secretary  
Ministry of Statistics and Programme Implementation  
Sardar Patel Bhawan, Sansad Marg  
New Delhi – 110 001.

**2. The Central Vigilance Commission**

Through its Secretary  
Satarkta Bhawan, GPO Complex  
Block A', I.N.A., New Delhi – 110 003.

**3. Dr. T.C.A.Anant**

Chief Statistician of India and Secretary  
Ministry of Statistics and Programme Implementation  
Sardar Patel Bhawan, Sansad Marg  
New Delhi – 110 001.

**4. Shri Arvind Kumar**

Joint Secretary  
Ministry of Statistics and Programme Implementation  
Sardar Patel Bhawan, Sansad Marg  
New Delhi – 110 001.

**5. Shri T.S.Jawahar**

Director (ISS Section) and Chief Vigilance Officer  
 Ministry of Statistics and Programme Implementation  
 Sardar Patel Bhawan, Sansad Marg  
 New Delhi – 110 001.

**6. Shri A.K.Shukla**

Formerly Chief Vigilance Officer  
 Through: The Chief Statistician of India and Secretary  
 Ministry of Statistics and Programme Implementation  
 Sardar Patel Bhawan, Sansad Marg  
 New Delhi – 110 001.

**7. Shri Venkataramana R. Hegde**

Joint Director (ISS Section)  
 Ministry of Statistics and Programme Implementation  
 Sardar Patel Bhawan, Sansad Marg  
 New Delhi – 110 001.

**8. Shri P.V.R. Prasad**

Deputy Director General  
 Field Operations Division  
 National Sample Survey Office, Vijayawada  
 Through The Chief Statistician of India and Secretary  
 Ministry of Statistics and Programme Implementation  
 Sardar Patel Bhawan, Sansad Marg  
 New Delhi – 110 001. ... Respondents

**9. Shri Ajay Kumar**

Director and Inquiry Officer  
 Ministry of Statistics and Programme Implementation  
 Sardar Patel Bhawan, Sansad Marg  
 New Delhi – 110 001. ... Pro Forma Respondent

(By Advocate: Sh. R.N.Singh)

**ORDER**

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

The applicant, an Indian Statistical Service Officer of 1999 batch and working as Deputy Director in the Ministry of Corporate Affairs, filed the OA seeking the following relief(s):

"8.1. to allow the present application;

8.2. to quash the impugned First Stage Advice dated 14.03.2011 (Annexure A-1) as bad in law;

8.3. to direct the Respondent Ministry and the Second Respondent to take appropriate penal action against the Respondent Nos.3 to 8 herein for their illegal actions and inactions.

8.4. to issue any such and further order/directions this Hon'ble Tribunal deems fit and proper in the circumstances of the case; and

8.5. to allow exemplary costs of the application."

2. Heard the applicant in person and Shri R.N.Singh, learned counsel for the respondents and perused the pleadings on record.

3. Shorn of the unnecessary details, the seminal facts required for disposal of the present OA are that, in respect of certain alleged omissions and commissions of the applicant, the Ministry of Statistics and Programme Implementation, sought the advice of the 2<sup>nd</sup> Respondent-Central Vigilance Commission. Accordingly, the 2<sup>nd</sup> Respondent-CVC vide the impugned Annexure A1 - Office Memorandum dated 14.03.2011 - given its advice for initiation of major penalty proceedings against the applicant. In pursuance of the said impugned Advice of the 2<sup>nd</sup> Respondent-CVC, the Ministry of Statistics and Programme Implementation has issued Annexure A7 - Charge Memorandum - dated 21.03.2011.

4. The applicant filed the present OA on 07.05.2012, i.e., long after issuance of Charge Memorandum dated 21.03.2011, questioning the Annexure A1 - Advice of the 2<sup>nd</sup> respondent-CVC. He has also filed OA No.1530/2013 questioning the said Charge Memorandum dated

21.03.2011 and also obtained stay of the same in the said OA, which is still pending.

5. No party to a lis is permitted to divide the lis into different pieces of action and to question each piece of action by filing different legal proceedings. In the present case, the impugned Annexure A1, Advice, dated 14.03.2011 was obtained by the Ministry of Statistics and Programme Implementation, and the same cannot be questioned separately, once the Charge Memorandum is issued. Hence, the present OA questioning the advice of CVC dated 14.03.2011 is not maintainable. Further, the impugned Advice of the CVC is an internal correspondence between the Ministry and the CVC and at that stage no independent cause of action arose for the applicant. The present OA, hence, is a sheer abuse of process of law.

6. In view of the above findings, we do not consider necessary to examine any other aspect and the case law thereon.

7. In the circumstances and for the aforesaid reasons, the OA is dismissed as not maintainable. No costs.

(V. N. Gaur)  
Member (A)

(V. Ajay Kumar)  
Member (J)

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