

Central Administrative Tribunal  
Principal Bench

**OA No.2597/2017**

New Delhi, this the 3<sup>rd</sup> day of August, 2017

**Hon'ble Mrs. Jasmine Ahmed, Member (J)**  
**Hon'ble Mr. Shekhar Agarwal, Member (A)**

Sh. Tulsi Dass Mahto  
(DOB 06.03.1960, aged 57 years)  
S/o late Sh. Bhuwaneshwar Mahto  
R/o F-432, Gali No.6, Wazirabad,  
Delhi – 110 084

And also at  
Govt. Co-Ed. Sr. Secondary School,  
Azadpur, Kewal Park, Delhi.

...Applicant

(By Advocate: Sh. Ashok Kumar)

Versus

1. Govt. Of NCT of Delhi  
Through the Chief Secretary of Delhi,  
Delhi Secretariat, I.P. Estate,  
New Delhi.
2. Secretary (Education),  
Department of Education,  
G.N.C.T. of Delhi, Old Secretariat,  
Delhi – 110 054.
3. Director of Education,  
Directorate of Education,  
G.N.C.T. of Delhi, Old Secretariat,  
Delhi – 110 054.
4. Dy. Director of Education,  
Distt. North-West, BL Block,  
Shalimar Bagh, Delhi.
5. Principal,  
Govt. Co-Ed. Sr. Secondary School,  
Azadpur, Kewal Park, Delhi.

...Respondents

**ORDER (ORAL)**

The applicant has filed the instant Original  
Application under Section 19 of the Administrative

Tribunals Act, 1985 praying for dropping of charges/quashing of chargesheet dated 16.01.2017 with request not to go ahead with departmental enquiry proceedings in respect of the charges already held not proved even at the charge framing stage before the court of law.

2. Facts of the case, briefly stated, are that the applicant, who is a blind person, is presently working as Vice-Principal and posted in the office of respondent no.5. The applicant was having a family dispute with his spouse which was amicably settled between the parties in view of an agreement arrived at vide settlement agreement dated 19.10.2010 whereby the parties had decided not to seek divorce for the time being but to live separately without any kind of interference by them in their lives. They have also decided to withdraw their respective cases/complaints filed by them against each other. In view of the above settlement agreement dated 19.10.2010, the Hon'ble High Court disposed of the Matrimonial Application No.94/2009 vide order dated 25.10.2010 by handing over the custody of the children – one son and one daughter to the applicant with visitation right to the spouse of the applicant. The applicant submits that after decision of the Hon'ble High Court, referred to above, everything was going smoothly.

But, her daughter namely Ms. Seema Mahto under the influence of one Mr. Divya Prakash with whom she happened to meet only when she joined the RVS Institute at Laxmi Nagar for preparation of NEET Exam, filed an FIR No.302/16 on 28.06.2016 levelling wild allegations against the applicant that her father (applicant in this case) had been sexually exploiting her since the year 2004-05. The aforesaid FIR was filed by the complainant at the instance of Divya Prakash for blackmailing him with a view to satisfy the lust for money and property, whereas there is not even an iota of truth in the allegations. Resultantly, the Ld. A.S.J./SFTC-2 (Central), Tis Hazari Courts, Delhi vide order dated 15.09.2016 discharged the applicant from the offences punishable under Sections 354/376 (3)(f) IPC.

3. Learned counsel for the applicant contends that despite having been discharged from the charges levelled against him by her daughter under FIR No.302/16, the respondents have issued the Memorandum/chargesheet dated 16.01.2017 under Rule 14 of the CCS (CCA) Rules, 1965 on the same set of charges contained in FIR No.302/16, to hold an enquiry against the applicant. Learned counsel further submits that by the conduct of the IO, the applicant has an apprehension that he would prejudice his case with a pre-possessed mind exhibiting

pre-judgment. The applicant also submitted that the departmental proceedings are based on entirely different evidence based on mere preponderance of probability and the consequence in turn is more severe than the proceedings conducted before the court of law. The applicant further submits that he has already filed a representation dated 27.02.2017 to the Chief Secretary, GNCT of Delhi for not initiating the proposed inquiry on the ground that he has already been discharged from the charges from the court of law. Therefore, learned counsel for the applicant prays that the instant OA may be allowed by quashing the impugned chargesheet.

4. We have heard the learned counsel for the applicant and perused the material on record. We find no merit in the contention of the applicant qua setting aside of the impugned chargesheet for the reason that being the inquiry at initial stage, this Tribunal cannot interfere with the same.

5. Finding no merit in this OA, the same stands dismissed at the admissions stage itself, without going into the merits of the case.

**(Shekhar Agarwal)**  
**Member (A)**

**(Mrs. Jasmine Ahmed)**  
**Member (J)**