

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.3655/2017

Tuesday, this the 21<sup>st</sup> day of November 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman**  
**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Ravinder Kumar Luthra  
s/o Shri Raghunath Rai Luthra  
OSD to Legal Advisor  
Election Commission of India  
Nirvachan Sadan, Ashoka Road  
New Delhi – 110 001  
r/o 2838-39, Ashok Street  
Mori Gate, Delhi – 110 006

..Applicant

(Mr. Amit Verma, Advocate for Ms. Aishwarya Bhati, Advocate)

Versus

1. Election Commission of India through its Secretary  
Nirvachan Sadan, Ashoka Road, New Delhi – 110 001
2. Shri Umesh Sinha, Deputy Election Commissioner  
Election Commission of India  
Nirvachan Sadan, Ashoka Road, New Delhi – 110 001

..Respondents

(Ms. Anjana Gosain, Advocate)

## **O R D E R (ORAL)**

### **Justice Permod Kohli:**

This O.A. has been filed seeking quashment of the disciplinary proceedings initiated on the complaint filed by one Ms. Mohita Sharma. The second relief is with regard to the promotion.

2. Though the counter reply to this O.A. has not been filed, Ms. Anjana Gosain, learned counsel for respondents submits that the sealed cover procedure has been adopted in case of the applicant for his promotion and even one vacancy has been kept reserved for him.

3. Insofar as the issue of disciplinary proceedings is concerned, the notice was issued vide order dated 02.11.2017 observing therein that while serving the charge memorandum dated 03.10.2017, the applicant was not served with the statement of imputation of misconduct or misbehavior in support of the articles of charges framed against him, as is evident from Annexure A-2. She, however, submits that the statement of imputation of misconduct or misbehavior shall be furnished to the applicant within one week. It is made clear that unless the statement of imputation of misconduct or misbehavior in respect of articles of charges is served, the applicant cannot be compelled to appear before the Inquiry Officer or file his response.

4. On furnishing the said statement of imputation, the applicant would have 15 (fifteen) days to file his response to the memorandum and it is only after consideration of the response of the applicant that the Disciplinary Authority would proceed to appoint the fresh Inquiry Officer and Presenting Officer. Any appointment of Inquiry Officer made earlier shall stand cancelled. Needless to say that the disciplinary proceedings shall also be conducted strictly in accordance with the mandate of rules.

5. With these observations, the O.A. stands disposed of.

**( K.N. Shrivastava )**  
**Member (A)**

**( Justice Permod Kohli )**  
**Chairman**

**November 21, 2017**  
**/sunil/**