

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

**OA-2878/2013**

**New Delhi this the 18th day of July, 2016.**

**Hon'ble Mr. Justice M.S. Sullar, Member (J)**  
**Hon'ble Mr. Shekhar Agarwal, Member (A)**

Smt. Kusum Lata,  
W/o Sh. Sanjay Kumar,  
R/o 161, Pratap Nagar,  
Jail Road, New Delhi-110064.

..... Applicant

(through Sh. M.K. Bhardwaj, Advocate)

Versus

Govt. of NCT of Delhi & Ors. through

1. The Chief Secretary,  
Govt. of NCT of Delhi,  
Delhi Secretariat, IP Estate,  
New Delhi.
2. The Principal Secretary,  
Govt. of NCT of Delhi,  
Department of Training & Technical Education,  
Muni Maya Marg, Pitampura,  
Delhi.
3. The Director,  
Govt. of NCT of Delhi,  
Department of Training & Technical Education,  
Muni Maya Marg, Pitampura,  
Delhi.

.... Respondents

(through Sh. N.K. Singh for Mrs. Avnish Ahlawat, Advocate)

**ORDER (ORAL)**

**Mr. Shekhar Agarwal, Member (A)**

The applicant was working as Language Instructor since 26.09.1995 with the respondents after being selected on the

aforesaid post through Employment Exchange. She was issued a charge sheet on 05.04.2011 under Rule 14 of CCS (CCA) Rules containing the following charge:-

"That Ms. Kusum Lata while seeking employment for the post of Language Instructor in the year 1995 submitted the Degree of Bachelor of Arts and Bachelor of Education of Varanasey Sanskrit Vishwavidhalaya, Varanasi. But the said University was not recognized at that time. Ms. Kusum Lata committed a mistake and negligence in submitting a Degree Certificates of a unrecognized University. The fact was very much known to her. And She deliberately and with malafide intension submitted the copies of above certificate.

The above lapses on the part of Ms. Kusum Lata is a violation of Rule 3 of the CCS (Conduct) Rules 1964 as she acted in a manner of unbecoming of a Govt. Servant."

2. An inquiry was conducted and the Inquiry Officer (IO) submitted his report on 29.04.2013 in which he has held as follows:-

"Now, after examining the whole case it is concluded that it is a fact that Varanaseya Sanskrit Vishwavidyalaya Varanasi is not a recognized University by the UGC and does not enjoy power to award any degree/diploma, which is valid for any academic/employment purpose w.e.f. 16.12.74. (Ref. Annex.-II of defence statement) but it is not proved that the charged officer knew at the time of appointment that the Varanaseya Sanskrit Vishwavidyalaya Varanasi is a fake University and she deliberately submitted the copies of the Degree certificates of a un-recognized University, as she has not directly applied for the present employment, she was sponsored by the Employment Exchange on the basis of alleged certificates, and the deptt. Also offered her the employment on the post, she has been working on, without objecting about the degree certificates submitted by her."

3. The Disciplinary Authority, however, disagreed with the findings of the IO and issued a disagreement note on 03.06.2013. Fearing

that Disciplinary Authority (DA) may pass adverse orders against the applicant, she has approached this Tribunal seeking the following relief:-

“(i) quash and set aside the impugned charge memo dated 05.04.2011 (A-1) and impugned disagreement note dated 03.06.2013 (A-2).

(ii) To declare the action of the respondents in disciplinary action against the applicant after 15 years of appointment on the allegation of acquiring degree from unrecognized University as illegal and unjustified.

(iii) To direct the respondents to treat the degrees i.e. B.A. and B.Ed. as valid degree.

(iv) to allow the OA with exemplary costs.”

4. Learned counsel for the applicant argued that the University from which the applicant acquired the relevant degree was not a recognized University by the UGC but the applicant was not aware that it was a fake University. The IO has also come to this conclusion. The DA, however, is disagreeing with the IO and is determined to pass adverse order against the applicant. Learned counsel further argued that the applicant has been in service since the year 1995. In many cases where after long years of service it is discovered that the degree on the basis of which the employment was secured was from an unrecognized University, the concerned employee has been given time to acquire degree from a recognized University rather than terminating his appointment forthwith. In this regard, learned

counsel for the applicant has quoted plethora of judgments, some of which are as follows:-

- (i) **Smt. Raminder Duggal Vs. KVS & Ors.**, 2005(2) SLJ 357 CAT.
- (ii) **Smt. Tripti Dutta Vs. UOI & Ors.**, OA-2184/2007 decided on 15.05.2008 by Principal Bench of CAT.
- (iii) **Smt. Nirmal Kapoor Vs. KVS**, OA-2163/2007 decided on 09.09.2008 by Principal Bench of CAT.
- (iv) **UOI & Ors. Vs. J. Ahmed**, 1979 AIR 1022.

5. We have heard both sides and have perused the material placed on record. In our opinion, the applicant has filed this O.A. at interlocutory stage when the disciplinary proceedings against her are still going on. As of now no adverse order has been passed against the applicant. The DA has only issued a disagreement note and asked the applicant to submit her representation against the same. It cannot be presumed that the DA is determined to pass an adverse order against the applicant. The applicant should avail of this administrative remedy and submit her representation to the DA so that the inquiry can be concluded as per rules. Thereafter, the applicant should also avail of the statutory remedy of appeal before approaching us by filing this O.A. As of now, we find this O.A. to be pre-mature and there is no reason for us to interfere in the disciplinary proceedings at this stage.

6. Accordingly, we hold that this O.A. is not maintainable being premature at this stage and it is dismissed as such. The applicant shall, however, be at liberty to approach this Tribunal at appropriate stage. No costs.

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

**(Justice M.S. Sullar)**  
**Member(J)**

/Vinita/