

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 4728/2015

New Delhi this the 4th day of January, 2016

Hon'ble Mr. Justice B. P. Katakey, Member (J)
Hon'ble Mr. K. N. Srivastava, Member (A)

Dr. Madhu Dalela, D/o. Shri R. N. Dalela,
Aged 58 years,
Deputy Director,
Song & Drama Division,
Ministry of Information & Broadcasting,
9th Floor, Soochna Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003.

....Applicant

(By Advocate : Mr. Padma Kumar S. & Mr. Krishna Kumar Mishra)

Versus

1. Union of India,
Through the Secretary,
Ministry of Information & Broadcasting,
'A' Wing, Shastri Bhawan,
New Delhi – 110 001.
2. Deputy Director and CPIO,
Directorate of Field Publicity,
Ministry of I & B,
New Delhi.
3. Secretary,
Union Public Service Commission
Dholpur House,
Shahjahan Road, New Delhi-3.

...Respondents

(By Advocate : Mr. R. K. Sharma for R-1 & 2 and Mr. R. V. Sinha with
Mr. Amit Sinha for UPSC)

O R D E R (O R A L)

Hon'ble Mr. Justice B. P. Katakey, Member (J)

The applicant, who is a Deputy Director, Song and Drama Division, Ministry of I & B, New Delhi, has filed this O.A praying for quashing the memorandum dated 01.12.2015 issued by the respondent no.1; and to direct the respondent no.1 to consider the UPSC advice independent of the letter dated 29.09.2014. The applicant has also prayed for an interim relief to restrain the respondents from passing any final order in the departmental proceedings initiated against her vide memorandum dated 01.12.2015.

2. The applicant was asked to show cause as to why proposed disciplinary action i.e., the penalty of compulsory retirement should not be imposed on her. The applicant on receipt of the said memorandum filed an interim reply on 08.12.2015 asking for certain documents listed therein presumably to enable the applicant to file her reply effectively and completely. The said request however, has been rejected by the respondents-authority vide memorandum dated 22.12.2015, which has not been put to challenge in the present O.A.

3. It has been contended by the learned counsel for the applicant that since the information supplied to the applicant under the Right to Information Act has been cancelled subsequent to the reply filed by her on 22.09.2014 to the

disagreement note, which was taken into consideration by the UPSC in its advice sought for, the applicant is entitled to the documents mentioned in the aforesaid communication dated 08.12.2015, without which it is not possible to file the reply effectively and completely against the memorandum dated 01.12.2015. Referring to the Annexure appended to the impugned memorandum dated 01.12.2015 whereby and whereunder the UPSC's recommendation of the imposition of the penalty is rejected by the authority, it has been submitted that the said view of the respondent-authorities is illegal and arbitrary and hence, the impugned memorandum dated 01.12.2015 needs to be interfered with.

4. The learned counsel appearing for the respondents on the other hand has submitted that the O.A earlier filed by the applicant challenging the charge memo was dismissed by this Tribunal and the respondents were directed to complete the proceedings within a period of three months from the date of passing of the order in the said O.A. It has also been submitted that since the applicant has not filed appropriate reply to the memorandum dated 01.12.2015, thereby causing delay in disposal of the disciplinary proceedings, the final order could not be passed despite the order passed by this Tribunal extending the time to pass the final order. It has also been submitted that

another application has been filed in other O.A being O.A No. 4058/2014 for extension of time, which application is listed today for consideration.

5. We have heard the submissions advanced by the learned counsel for the parties.

6. The applicant earlier approached this Tribunal in O.A 4058/2014 challenging the order of suspension dated 14.10.2013 as well as the charge memo dated 11.10.2013 apart from the disagreement note dated 21.08.2014. The said O.A has been disposed of without granting any relief to the applicant and directing the respondents to complete the proceedings as early as possible, but in any case within three months from the date of the said order.

7. The time granted by the aforesaid order passed in the aforesaid O.A was initially extended till 21.12.2015. Another M.A has also been filed for further extension of time, which has also been listed today for consideration.

8. The applicant during pendency of the said O.A filed her reply on 22.09.2014 against the disagreement note dated 21.08.2014. The respondents thereafter obtained the UPSC's advice on 17.04.2015 wherein the UPSC has taken note of the rejection of

the information supplied to the applicant prior to filing of the said reply dated 22.09.2014.

9. Having regard to the fact that despite the order passed by this Tribunal in the aforesaid O.A the proceedings could not be completed and also that this Tribunal has also refused to interfere with the disciplinary proceedings, we are of the view that at this interlocutory stage the disciplinary proceedings should not be interfered with on the grounds taken in the O.A i.e., non supply of certain documents, as sought for vide communication dated 08.12.2015 and also on the ground of alleged misinterpretation of the provisions contained in Rule 11 (iii) of CCS (CCA) Rules, 1965, as the applicant may raise all these pleas in her reply. It is, however, made clear that in the event the applicant is aggrieved by the order that may be passed by the authority, it is open to her to challenge that order before the appropriate forum on all the grounds legally available to her including the grounds as noted above.

10. The applicant admittedly has not filed the reply to the memorandum dated 01.12.2015 till date and hence, for interest of justice the applicant is granted 15 days time from today to file a detailed reply against the memorandum dated 01.12.2015 by

taking all the grounds available to her legally. The respondents shall, within 15 days thereafter pass an appropriate order.

11. The O.A is accordingly, disposed of. No costs.

(K. N. Shrivastava)
Member (A)

(Justice B.P. Katakey)
Member (J)

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