

**Central Administrative Tribunal
Principal Bench**

OA No.3797/2018

New Delhi, this the 16th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Anis Ahmad, Aged about 60 years,
Group 'A', Designation : D.D.E.,
S/o Late Mohd. Hamid,
R/o House No. R.N.60, B-Block,
Sector-62,
Noida, Distt. Gautam Budha Nagar,
Uttar Pradesh-201301.

...Applicant

(By Advocate : Shri R.S. Kaushik)

Versus

1. GNCT of Delhi, Through
Its Chief Secretary,
I.P. State, Govt. of NCT of Delhi,
New Delhi-2.
2. Director of Education,
Directorate of Education,
Old Secretariat, Civil Lines,
Delhi-54.
3. Regional Director of Education,
Region-East,
Regional Office of Directorate of Education,
I.P. Extn., Patparganj,
Delhi-110092.

...Respondents

(By Advocate : Ms. Harvinder Oberoi)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :**

The applicant is working as a Deputy Director of Education in GNCTD. He was entrusted with the duties of inspecting some Government schools. On 28.07.2017, he inspected a Government school at Molarband. He pointed out certain deficiencies in the school and he forwarded the report to the CBSE. The disciplinary authority of the applicant, i.e. Regional Director of Education, took exception to the action of the applicant in forwarding the copy of the report to the CBSE and issued a recordable warning on 23.08.2018. It was pointed out that copy of the report to the CBSE was a motivated act on the part of the applicant. The said order is challenged in this OA.

2. The applicant contends that the recordable warning amounts to punishment that may come in the way of his re-employment after retirement. Reliance is placed upon the order dated 25.08.2014, passed by this Tribunal in OA No.154/2012.

3. We heard Shri R.S. Kaushik, learned counsel for applicant and Ms. Harvinder Oberoi, learned counsel for respondents.

4. The applicant has every right to point out the deficiencies which he has noted in the course of inspection. The respondents also did not take any exception to the various deficiencies pointed out by the applicant. However, the applicant proceeded to mark a copy of the report which painted the school in a very poor condition, to the CBSE. It is not difficult to imagine the repercussions thereof. It would have even entailed in withdrawal or cancellation of affiliation or recognition. Obviously, for this reason, the respondents issued a recordable warning.

5. In OA No.154/2012, the Tribunal referred to the Official Memorandum dated 16.02.2009, which dealt with the repercussions arising out of the recordable warning. It was mentioned that if a recordable warning is issued as a result of the disciplinary proceedings, it would amount to punishment. In the instant case, the warning was not a result of any disciplinary proceedings. Still the applicant is taking exception to that. Therefore, the only alternative

for the respondents was to initiate disciplinary proceedings against the applicant, if they so desired. We therefore, set aside the impugned order and leave it open to the respondents to initiate disciplinary proceedings against the applicant.

6. The OA is, accordingly, disposed of. There shall be no orders as to costs.

(Pradeep Kumar)
Member (A)

(L. Narasimha Reddy)
Chairman

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