

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 100/2328/2018

New Delhi, this the 3rd day of August, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Dr. Tejinder Kaur (aged 54 years)
D/o Shri Sudershan Singh
R/o M-16, Green Park (Main)
New Delhi-110016

....Applicant

(Appeared in person)

Versus

1. Union of India
Through Secretary,
Ministry of Women & Child Development
& Vice-Chairperson, NIPCCD (Appointing & Disciplinary
Authority),
Room No.601, A-Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road, New Delhi-110001
2. National Institute of Public Cooperation
& Child Development (NIPCCD) (Autonomous
Organization)
Through its Director,
5, Siri Institutional Area, August Kranti Marg
New Delhi-110016

....Respondents

(Through Shri Vaibhav Gaumat for Shri Gyanendra Singh, for
respondent 1
Shri Sanjeev Joshi, for respondent 2)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

This OA is filed with a prayer to quash the decision taken by respondent no.1 on 9.01.2017 at Annexure 1 and the consequential charge memorandum dated 17.05.2018. When the OA was pending another charge memo dated 6.07.2018 was issued to the applicant. By filing MA No.3262/2018, the applicant seeks amendment in OA with prayer to challenge the newly issued charge sheet also.

2. We heard the applicant who argued in person in detail and perused the record.

3. The decision, said to have been taken by respondent no.1 on 9.01.2017, is in the form of a note. It is beyond our imagination as to how an inter-departmental note can affect the rights referable to the applicant.

4. So far as charge memo dated 17.05.2018 is concerned, the competent authority has proposed to hold minor penalty proceedings against the applicant. Three articles of charge were framed therein. The subject matter of charge memo dated 6.07.2018 is the alleged act of the applicant of directly submitting advance copies of representations to Secretary-cum-Vice Chairperson of the department.

5. Though several grounds were urged in challenge to the charge memo, we are not inclined to entertain the same. The reason is that it was not even pleaded by the applicant that the charge memo was issued by an incompetent authority. The question as to whether the charges are true or not, needs to be decided in the departmental inquiry. However, if there are procedural errors in the proceedings, it shall be open to the applicant to point out the same during the course of the inquiry itself. At this state, we are not inclined to interfere with the charge memo.

6. The OA is dismissed accordingly. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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