

**Central Administrative Tribunal
Principal Bench**

OA No.1238/2013

New Delhi, this the 9th day of August, 2018

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

D. K. Rangra
S/o Sh. J. R. Rangra
Working as Director,
Residence, NIFT Campus,
Cheb Kangra,
Himachal Pradesh.

... Applicant.

(By Advocate : Shri U. Srivastava)

Vs.

Union of India through

1. The Secretary
Ministry of Textiles
Udyog Bhawan,
New Delhi.
2. The Director General
National Institute of Fashion Technology
(Establishment Section Head Office)
Hauz Khas,
New Delhi.
3. The Registrar
National Institute of Fashion Technology
(Establishment Section Head Office)
Hauz Khas,
New Delhi.
4. Sh. Prem Kumar Gera,
Director General
National Institute of Fashion Technology
(Establishment Section Head Office)
Hauz Khas,
New Delhi.

.... Respondents.

(By Advocate : Shri Ashish Nischal for Mrs. Avinash Ahlawat for respondent No.1 and Shri Swetank Shantanu for respondent Nos.2 to 4.)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant joined the service of National Institute of Fashion Technology (NIFT) on 24.11.1992 as Deputy Registrar. Later on, he was appointed as Registrar on *ad hoc* basis in the year 2002, and was regularised in that post in the year 2005. He was appointed as Director, NIFT, vide order dated 17.06.2008 on contract basis for a period of five years and was posted at Patna. Thereafter, he was transferred to Kangra. However, the contract was terminated before the completion of the term, and he was sent to his substantive post of Joint Director, and posted at Bhuvaneshwar, vide order dated 06.09.2012.

2. Challenging the order of termination of the contract, the applicant filed OA No.4327/2012. The said OA was allowed by observing that the relevant clause was not invoked, and a direction was issued for reinstatement of the applicant.

3. During the pendency of the OA, the respondents forwarded a set of allegations against the applicant to the CVC vide proceedings dated 06.09.2012. The CVC accorded approval for the same. Accordingly, a charge sheet dated

13.03.2013 was issued to the applicant. The same is challenged in this OA.

4. The principal ground urged by the applicant is that though the Tribunal specifically directed his reinstatement in its order in OA No.4327/2012, the charge sheet was issued by the respondents as a punitive and vindictive measure, without reinstating him into service. Other grounds are also urged.

5. The respondents filed a detailed counter affidavit. It is stated that consequent upon the directions issued by the Tribunal in OA No.4327/2012, the applicant was reinstated into service vide order dated 18.04.2013, and posted at Rai Bareli Centre, and when the applicant filed CP No.240/2013 in this behalf, the Tribunal closed the same by taking note of the factum of reinstatement of the applicant vide order dated 18.04.2013. It is also stated that the applicant has resorted to financial irregularities. The respondents contend that the truth or otherwise of the charges needs to be considered in the departmental inquiry and there is no basis for filing the OA.

6. We heard Shri U. Srivastava, learned counsel for the applicant, Shri Ashish Nischal for Mrs. Avinash Kaur,

learned counsel for respondent No.1 and Shri Swetank Shantanu, learned counsel for respondent Nos.2 to 4.

7. The charge sheet dated 13.03.2013 is challenged mainly on the ground that it is issued as a vindictive measure, for his approaching the Tribunal challenging the order of termination of the contract appointing the applicant as Director, NIFT, Kangra. At the first blush, this may appear to be somewhat acceptable. The fact, however, remains that on 18.04.2013 itself, the respondents issued the order of reinstatement of the applicant and posted him at Rai Bareli. In CP No.240/2013 filed in this behalf, the Tribunal noted as under:-

“Pursuant to the aforesaid order of this Tribunal, the respondents have reinstated the applicant in service on 18.04.2013. However, he is not satisfied with the aforesaid order. On the other hand, the respondents themselves have reinstated him and retained him as Director at Rai Bareli Centre instead of posting him at NIFT Kangra Centre. He has also submitted that before his reinstatement, the respondents have issued a charge sheet to him on 13.03.2013 which since has been challenged by him vide another OA No.1238/2013.

4. In view of the above position, we do not consider it appropriate to continue with the present contempt proceedings. Accordingly, this Contempt Petition is closed. Notice issued to the alleged contemnor is discharged. There shall be no order as to costs.”

From this, it becomes clear that the applicant has been reinstated into service, and his plea that the order in the OA was not complied with, is not correct.

8. Coming to the impugned charge sheet, the applicant is not able to demonstrate that it is issued by any authority who is not vested with the power to issue. Further, the charges relate to financial irregularities and the truth or otherwise thereof, needs to be determined in the departmental inquiry.

9. We do not find any basis to interfere with the charge sheet. The OA is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/