

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

**OA No. 2218/2017
CP No.514/2017**

**MA No.66/2018/MA No.3129/2017
MA No.3907/2017/MA No.4040/2017
MA No.4755/2017
With
OA No.03/2018
OA No.3268/2016
MA No.2188/2017/MA No.2508/2017
MA No.3922/2017**

New Delhi this the 17th day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

I. OA No. 3268/2016

Dr. Archana Sharma,
Head CSIR-TKDL Unit,
Aged about 54 years,
D/o Sh. IP Sharma,
R/o D1/13, Satya Marg, Chanakya Puri,
New Delhi

... Applicant

(By Advocate: Mr. M.K. Bhardwaj)

Versus

1. Union of India
Through its Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievances & Pensions,
North Block, New Delhi
2. Department of Scientific & Industrial Research,
Ministry of Science & Technology,
Through its Secretary,
Technology Bhawan, New Mehrauli Road,
New Delhi
3. Council of Scientific & Industrial Research,
Through its Director General,
Ministry of Science & Technology,
Anusandhan Bhawan
Rafi Marg, New Delhi

4. Dr. Girish Sahini,
 Director General,
 Council of Scientific & Industrial Research,
 Ministry of Science & Technology,
 Anusandhan Bhawan
 Rafi Marg, New Delhi.

5. Ms. G. Anupama Kumar,
 Joint Secretary (Admn.)
 Council of Scientific & Industrial Research,
 Ministry of Science & Technology,
 Anusandhan Bhawan
 Rafi Marg, New Delhi

... Respondents

(By Advocates : Shri R.S. Suri, Sr. Advocate assisted by
 Shri Jayesh K. Unnikrishnan
 Shri Rajnish Prasad)

II. OA No. 2218/2017

Dr. Archana Sharma, Head CSIR-TKDL Unit,
 Aged about 54 years,
 D/o Shri I.P. Sharma,
 R/o D1/13, Satya Marg, Chanakyapuri,
 New Delhi

... Applicant

(By Advocate: Mr. M.K. Bhardwaj)

Versus

1. Union of India
 Through its Secretary,
 Department of Personnel & Training,
 Ministry of Personnel, Public Grievances & Pensions,
 North Block, New Delhi
2. Council of Scientific & Industrial Research,
 Through its Director General
 Ministry of Science & Technology,
 Anusandhan Bhawan,
 Rafi Marg, New Delhi.

3.Dr. Girish Sahini,
 Director General,
 Council of Scientific & Industrial Research,
 Ministry of Science & Technology,
 Anusandhan Bhawan
 Rafi Marg, New Delhi

... Respondents

(By Advocates : Shri R.S. Suri, Sr. Advocate assisted by
 Shri Jayesh K. Unnikrishnan
 Shri Rajnish Prasad)

III. OA No.03/2018

Dr. Archana Sharma, Head CSIR-TKDL Unit,
 Aged about 54 years,
 D/o Shri I.P. Sharma,
 R/o D1/13, Satya Marg, Chanakyapuri,
 New Delhi

... Applicant

(By Advocate: Mr. M.K. Bhardwaj)

Versus

1. Union of India
 Through its Secretary,
 Department of Personnel & Training,
 Ministry of Personnel, Public Grievances & Pensions,
 North Block, New Delhi
2. Council of Scientific & Industrial Research,
 Through its Director General
 Ministry of Science & Technology,
 Anusandhan Bhawan,
 Rafi Marg, New Delhi.
3. Dr. Girish Sahini,
 Director General,
 Council of Scientific & Industrial Research,
 Ministry of Science & Technology,
 Anusandhan Bhawan
 Rafi Marg, New Delhi

... Respondents

(By Advocates : Shri R.S. Suri, Sr. Advocate assisted by
 Shri Jayesh K. Unnikrishnan
 Shri Rajnish Prasad)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:

These three OAs are filed by the same applicant.

The applicant is a Principal Scientist in the CSIR. She was also holding the position of Head of Department in a wing of the CSIR known as Traditional Knowledge Digital Library (TKDL).

2. The Disciplinary Authority issued a charge-sheet dated 09.08.2016, wherein about 10 charges were framed. Challenging the said charge-sheet, the applicant filed OA No.3268/2016.

3. The applicant submitted her reply/explanation to the charge-sheet dated 09.08.2016. Taking exception of some of the averments therein, the second charge sheet dated 27.10.2017 was issued. OA No.03/2018 filed against the same.

4. The applicant was transferred from one unit to another, in the same station, and in the same Organization. The said transfer is challenged in OA No.2218/2017.

5. The applicant contends that the only basis on which the charge sheet was issued was that she made certain representations with certain allegations and exception was taken to it. It is submitted that though a representation was submitted to the Hon'ble Minister of S&T (VP, CSIR), no action was taken thereon. It is also urged that some of the complaints are against the Disciplinary Authority himself, and still, the Disciplinary Authority has chosen to issue charge- sheet. As regards the second charge-sheet, it is stated that the applicant is entitled to present her version, to the charges contained in the first charge-sheet and almost in an intimidating manner, independent charges are framed, based on the contents of her explanation. In reply to the first charge-sheet, it is stated that it is purely vindictive in nature. It is stated that not only the charges are fabricated but the applicant was also transferred to denigrate her position in the Organisation.

6. The respondents raised objection as to maintainability of the OAs. It is stated that the charge-sheet cannot be the subject matter of the OA, and that it is only when an officer suffers adverse action as an outcome

of the inquiry that he/she can approach the Tribunal/Court.

7. As regards transfer, it is stated that it was done due to administrative exigency, and as long as the pay scale of the applicant is protected and her rights are preserved, she cannot have any objection for that.

8. OA No.3268/2016 and OA No.03/2018 are directed against the charge sheets. We do not find any legal infirmity in the form or contents of the charge-sheet. It is only in exceptional cases, where charge-sheets are issued and charges are framed by a person who is not competent to do so, or there is a serious violation of the procedure prescribed for issuing charge-sheet, that one may approach the Tribunal seeking interference with the charge-sheet. None of such grounds are pleaded in the OAs.

9. This Tribunal cannot express its view on the charges since that is the subject matter of disciplinary inquiry itself. The learned counsel for applicant submitted that his client does not intend to drag the matter any further lest, the discipline in the Organisation suffers and she is prepared to make a representation so that proceedings can be dropped once and for all. It is for the

applicant to come forward with any representation or explanation of her choice. We cannot make any observation in this behalf. If she couches a representation with any conciliatory appeal, there is no reason to believe that the Disciplinary Authority would not act upon it. After all, nobody would expect that an important Organization like CSIR is interested to harass its own employees and disturb its peaceful atmosphere. No Administrator would react unless a person behaves in manner unbecoming of a responsible Government Servant. Once we hold that there is no legal infirmity in the charge sheets, we find no reason to interfere with the same. Accordingly, the OA Nos.3268/2016 and 03/2018 are dismissed.

10. OA No.2218/2017 is directed against the order of transfer of the applicant. She has not been transferred to any remote corner of the country or in the mid of the academic session, or in contravention of specific guidelines governing transfers. She is shifted from one unit of CSIR to another unit right in Delhi itself. Howsoever, an employee may be willing to continue in same place, it cannot be ignored that transfer is always treated as an incidence of service. We do not find any basis to interfere with the

order of the transfer. Accordingly, the OA is dismissed.

There shall be no order as to costs.

11. It is needless to mention that all the MAs/CP, pending in these three OAs, shall stand disposed of.

(Nita Chowdhury)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

'rk'