

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.3537/2017

This the 10th day of July, 2018

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

Rama Kant Sharma "Udbhrant",
Retired Sr. Director of Programme,
DG: Doordarshan, New Delhi,
R/o B-463, Kendriya Vihar,
Sector-51, Noida-201303. ... Applicant

(By Mr. Sanjeev Kumar Singh and Shighra Kumar, Advocates)

Versus

1. Union of India through
Secretary, Ministry of I&B,
Shastri Bhawan, New Delhi-110001.
2. Prasar Bharati through its CEO,
Doordarshan Bhawan,
Copernicus Road,
New Delhi-110001. ... Respondents

(By Mr. D. S. Mahendru, Advocate)

ORDER

Justice L. Narasimha Reddy, Chairman :

The applicant joined the service of Doordarshan in 1991 as Assistant Director, on being selected by the Union Public Service Commission. Thereafter, he acquired various promotions, and in the year 2009, he took charge as Senior

Director (Programme). He was looking after the Sponsored Section of the Doordarshan. It is stated that as part of his duties, the applicant dealt with a TV serial, by name, *KIRAN*, produced by a private agency. The competent authority is said to have accorded permission for extension of the telecast of the serial.

2. A memorandum dated 07.10.2009 (Annexure A-2) was issued to the applicant calling upon him to show cause as to why action be not taken for his role in the extension of time for the serial. The applicant submitted his reply on 27.10.2009. On consideration of the same, the Director General, Doordarshan, withdrew the charge, through order dated 16.02.2010 (Annexure A-7). The applicant retired from service on 31.05.2010. It is stated that vigilance clearance was also given to him, at the time of retirement.

3. After the applicant retired from service, an order was passed by the Government on 11.03.2013 (Annexure A-1), wherein the President of India directed that departmental proceedings be initiated against the applicant in accordance with the procedure laid down under rules 14 and 15 of the CCS (CCA) Rules, 1965. This was followed by a charge

memorandum dated 12.03.2013 (Annexure A-16). The order through which the President accorded permission for initiation of departmental proceedings against the applicant, as well as the charge memorandum, are challenged in this OA.

4. The applicant contends that the charge contained in Annexure A-16, on the one hand, and the allegations made against him vide memorandum dated 07.02.2009 (Annexure A-2), on the other, are one and the same, and once the Director General, Doordarshan, exonerated the applicant of the allegations contained in Annexure A-2 through order dated 16.02.2010 (Annexure A-7), there was absolutely no basis for initiating the present set of proceedings. It is also stated that the programme cleared by the applicant, not only was successfully executed, but it also earned revenue to the Doordarshan.

5. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the allegations or charges contained in Annexure A-2, on the one hand, and Annexure A-16, on the other hand, are totally different, and the contention of the applicant cannot be accepted.

6. Heard Shri Sanjeev Kumar Singh, learned counsel for the applicant, and Shri D. S. Mahendru, learned counsel appearing for the respondents.

7. In his capacity as Senior Director (Programme), the applicant handled a sponsored programme, *KIRAN*. It was telecast for some time, and the producers seem to have made a request for extending the telecast of the programme. That was in the year 2010. An objection was taken to the manner in which the applicant played his role in the context of getting the extension. The action was, however, dropped through Annexure A-7.

8. The first order impugned in this OA is the one through which the President accorded permission for initiation of disciplinary proceedings against the applicant, after his retirement, as required under rule 14 of the CCS (CCA) Rules, 1965. The second order challenged in the OA is the charge memorandum dated 12.03.2013 (Annexure A-16).

9. It is no doubt true that Annexure A-2 dated 07.10.2009, on the one hand, and Annexure A-16 dated 12.03.2013, on the other hand, contain certain allegations regarding the role said to have been played by the applicant for

telecast of the serial *KIRAN*. If they are identical, the decision taken by the Director General in Annexure A-7 dated 16.02.2010, makes it impermissible to re-open the case.

10. However, on a close scrutiny, it becomes evident that the charges contained in Annexure A-2, on the one hand, and in Annexure A-16, on the other hand, are totally different. While the one in Annexure A-2 is in relation to extension of the telecast of the serial, the allegation in Annexure A-16 relates to the very allotment of slot to the serial. The question as to whether the allegations contained in Annexure A-16 against the applicant are true, or not, can be decided only in the departmental inquiry. The initiation of the proceedings cannot be found fault with, since the procedure prescribed under rule 14 of the CCS (CCA) Rules, 1965, in relation to a retired employee, has been strictly followed.

11. We do not find any basis to interfere with the proceedings challenged in the OA. The same is accordingly dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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