

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1926 OF 2018
New Delhi, this the 18th day of May, 2018

CORAM:

HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
AND
HON'BLE MS. PRAVEEN MAHAJAN, ADMINISTRATIVE MEMBMER

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Pawin W.Desai, Group B (Retired),
Aged about 60 + years,
Son of Mr.Wamanrao Desai,
From: Transport Department, Government of NCT of Delhi,
Resident of: V-3, 2nd Floor, Green Park Extension,
New Delhi 110016 Applicant

(By Advocate: Mr.Pradeep Kumar)

Vs.

1. The Chief Secretary, Government of NCT of Delhi,
Through service to be effected upon its Director,
At: Directorate of Vigilance, Government of NCT Delhi,
4th Level C-Wing, Delhi Secretariat
I.P.Estate,
New Delhi 110002
2. Transport Department,
Government of NCT of Delhi,
Through service to be effected upon its: Commissioner,
At: 5/9, Underhill Road, Delhi 110054 Respondents

ORDER

Per RAJ VIR SHARMA, MEMBER(J):

The applicant, who retired from service as Motor Licensing Officer, Transport Department, Government of NCT of Delhi, on 31.12.2017, has filed present O.A. under Section 19 of the Administrative Tribunals Act, 1985, on 14.5.2018, praying for quashing the charge memo dated 17.11.2017, whereby the Disciplinary Authority has proposed to hold

an inquiry under Rule 14 of the CCS (CCA) Rules, 1965 and called upon the applicant to submit written statement of his defence. Apparently, the applicant did not submit the written statement of his defence to the charge memo. The respondent-Department, vide orders dated 13.4.2018, appointed Inquiring Authority to inquire into the charges levelled against the applicant, and Presenting Officer to present the case on behalf of the Department. Accordingly, the Inquiring Authority, vide notice dated 16.4.2018, called upon the applicant to appear before him ON 8.5.2018 for preliminary hearing.

2. In the above context, it has been contended by Mr.Pradeep Kumar, learned counsel appearing for the applicant, that the impugned charge memo dated 17.11.2017 and subsequent actions of the respondent-Department are bad, illegal and liable to be quashed. In support of his contention, Mr.Pradeep Kumar has relied on the judgment dated 1.2.2010 passed by the Hon'ble High Court of Delhi in W.P. (C) No. 7895 of 2009 (***Union of India and others vs. Ram Karan Sharma***), as well as the order dated 25.10.2017 passed by the Tribunal in OA No. 3716 of 2016 (***Mr.Narinder Kumar Sharma vs. Lt. Governor, Delhi and others***).

3. After considering the averments contained in the O.A. together with the documents produced by the applicant, and upon hearing Mr.Pradeep Kumar, learned counsel appearing for the applicant, we direct issuance of notices to the respondents to appear and file their counter reply by 2.7.2018. The applicant shall file his rejoinder reply, if any, by 16.7.2018. The

applicant shall file the requisites by 22.5.2018 for issuance of notices to the respondents by Speed Post.

4. List the matter on 18.7.2018 for final hearing.

(PRAVEEN MAHAJAN)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER

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