

OA.No.170/00199/2017/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00199/2017

DATED THIS THE 10TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

T.M. Sampath

S/o late Shri Munisamy Mudaliar

Aged about 61 years

Retired Administrative Officer, NWDA

R/o H.No. 34, 1st Block, IIIrd Main Road,

Banashankari Third Stage

Bangalore – 560 085

.....Applicant

(By Party-in-person)

Vs.

1. Union of India
Through the Secretary to
Government of India,
Ministry of Water Resources,
Shram Shakti Bhawan
Rafi Marg, New Delhi

2. The Director General
National Water Development Agency
18-20, Community Centre,
Saket, New Delhi – 110 017

3. Shri S.M. Husain,
Director General, NWDA till 28.03.2017 &
Chairman, Selection Committee
Now Member, Central Water Commission
Sewa Bhawan, R.K. Puram
New Delhi

4. Shri R.K. Jain
Chief Engineer &
Member, Selection Committee,
National Water Development Agency
18-20, Community Centre,
Saket, New Delhi – 110 017

....Respondents

(By Shri B.P. Puttasiddaiah, Counsel for the Respondents)

O R D E R (ORAL)(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. The applicant challenges the selection made vide Annexure-A1 on 10.10.2013 to fill up the post of Deputy Director, Administration and to impose a cost of Rs. 10 lakhs on each of Respondent No. 3 & 4 for denying promotion to the applicant by making false grounds and subsequently denying the review again on another false grounds.

2. Apparently during the pendency of the DPC it was found that the applicant was an accused in several 138 cases under Negotiable Instruments Act and therefore the applicant's case was kept in a sealed cover. In the meanwhile, the applicant superannuated on 31.07.2015. He would say that he had paid off all his debts under the cheque bouncing cases and was discharged on 31.08.2015. That being so, at no point during his career applicant could have been considered for re-opening of the sealed cover as till the date of his retirement the shadow of doubt over him persisted. That being so, there is no case in the OA.

3. The OA is dismissed. No order as to costs.

(DINESH SHARMA)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00199/2017

Annexure A1 Copy of the minutes of Selection committee meeting held on 10.10.2013

Annexure A2 Copy of the order dated 27.07.2016 passed by the Principal Bench in O.A. No. 1706/2015

Annexure A3 Copy of the representation of the applicant dated 01.08.2016

Annexure A4 Copy of the respondents letter dated 26.10.2016

Annexure A5 Copy of the agenda Note for selection to the post of Deputy Director (Administration)

Annexure A6 Copy of the notings and documents to prove the corruption in the appointment of LDCs during the year 2011

Annexure A7 Copy of order dated 31.08.2015 passed in CC No. 320/2014 in the case of SBI Vs. T.M. Sampath

Annexures with reply statement

Annexure R1 Copy of the schedule regarding recruitment

Annexure R2 Copy of the OM dated 24.07.2013 regarding summon/notice in criminal case No. 20843/2013

Annexure R3 Copy of the order in O.A. No. 4513/2015 dated 27.07.2016 of Central Administrative Tribunal, Principal Bench, New Delhi

Annexure R4 Copy of the letter dated 26.10.2016 regarding review of finding of DPC dated 10.10.2013

Annexure R5 Copy of the reply of the applicant dated 17.04.2014

Annexure R6 Copy of the letter addressed to Shri T.M. Sampath regarding providing of assessment made by the Screening Committee on 23.04.2014

Annexure R7 Copy of the O.A. No. 639/2008 dated 28.07.2008 of Central Administrative Tribunal, Principal Bench, New Delhi

Annexure R8 Copy of the LPA No. 906/2011 dated 08.11.2011 of Hon'ble High Court of Delhi

Annexure R9 Copy of the Writ Petition No. 5124/2012 dated 08.03.2013 of Hon'ble High Court of Delhi, New Delhi

Annexure R10 Copy of the O.A. No. 198/2007 dated 25.04.2017 of Central Administrative Tribunal, Bangalore Bench

Annexure R11 Copy of the OM dated 02.07.2012 regarding complaint against Shri R.K. Jain, CVO

Annexures with rejoinder

Annexure RJ1 Copy of the representation of the applicant dated 11.10.2017 along with enclosures

Annexure RJ2 Copies of the various court orders in CA No. 17/14, CC No. 320/14, CC No. 5086/2014 and Hon'ble High Court of Delhi in Crl Rev. P. No. 351-352 of 2014

Annexures with Additional Affidavit

Annexure AA1 Copy of the letter dated 19.08.2016 by the applicant

Annexure AA2 Copy of the NWDA letter dated 24.07.2013

Annexure AA3 Copy of the letter dated 01.09.2017

Annexure AA4 Copy of the NWDA letter dated 29.11.2017

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