

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01186/2018

Chandigarh, this the 17th day of October, 2018

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

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Ram Anuj Singh s/o Sh. Ram Nagina Singh, aged 43 years, working as Assistant Engineer (Civil) at Sardar Swaran Singh, National Institute of Bio-Energy Kapurthala (Punjab) -144601.

....Applicant

(Present: Mr. D.R. Sharma, Advocate)

Versus

1. Union of India through its Secretary, Ministry of New and Renewable Energy (MNRE, Earlier known as Ministry of Non-conventional Energy Sources), cum-Chairman Governing Council Sardar Swaran National Institute of Bio-Energy, Block 14-CGO Complex, Lodhi Road, Nw Delhi -110003.
2. Director General, Sardar Swaran Singh, National Institute of Bio-Energy, Wadala Kalan, 12 Kms Stone, Jalandhar-Kapurthala Road, Kapurthala (Punjab) – 144601.
3. Deputy Director, All India Institute of Medical Science (AIIMS), Bhopal (M.P.) – 462020.

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Respondents

(Present: Mr. V.K. Arya, Advocate)

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. The present O.A. has been filed by the applicant seeking issuance of a direction from this Tribunal to the Respondent No. 2 to relieve him from his present place of posting to join the new post of Executive Engineer (Civil) on deputation basis.
2. This Court, on 04.10.2018, issued notice to the respondents to ascertain as to why they were not relieving the applicant.
3. Today, Mr. V.K. Arya, learned counsel for the respondents, on instructions from the concerned quarters, informed that a complaint against the applicant was received by Respondent No. 1 in July, 2018 and based upon that a preliminary enquiry was

conducted. He further submitted that now the applicant has been issued a charge-sheet dated 15.10.2018 under Rule 14 of Central Civil Services (CCA) Rules, 1965 and for this reason the respondents have not relieved the applicant. A copy of the charge sheet has been produced, which is taken on record.

4. Learned counsel for the applicant drew attention of this Court to clause 10 of Annexure A-8 and submitted that the respondents cannot withhold the release of the applicant after selection when they had forwarded the case for deputation to the UPSC.

5. In the wake of above-noted facts, we are of the view that this O.A. deserves to be dismissed and no direction can be issued to the respondents to relieve the applicant when they have issued a charge-sheet dated 15.10.2018 to him under Rule 14 of CCS (CCA) Rules, 1965. The case of the applicant is not covered under clause 10 of Annexure A-8, referred to by the learned counsel for the applicant, and the respondents are well within their right to withhold the release of the applicant, in view of the changed circumstances.

The O.A. stands dismissed accordingly. MA No. 060/01615/2018 also stands disposed of.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 17.10 .2018

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