

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No.021/562/2018

Date of Order : 22.06.2018

Between :

Perumal Senthil Kumar,
S/o. Sri Vellaisamy Perumal,
Aged 44 years,
Occ: Principal Scientist CSIR-NGRI/
Associate Professor, ACSIR, Group 'A',
CSIR- National Geophysical Research Institute,
Uppal Road, Hyderabad – 500 007, Telangana.
R/o. Flat No.202, Lakshmi Sai Manjeera Homes,
Nandanvan Colony, Street No.4/3,
Habsiguda, Hyderabad – 500 007.

... Applicant

And

1. Union of India rep. by its
Secretary,
Dept. of Scientific and Industrial Research and also
Director General,
Council of Scientific and Industrial Research,
Dept. of Scientific and Industrial Research,
Anusandhan Bhawan, 2 Rafi Marg,
New Delhi – 110 001.
2. The Director, CSIR- National Geophysical
Research Institute,
Uppal Road, Hyderabad – 500 007,
Telangana.

... Respondents

Counsel for the Applicant	...	Dr. P.B. Vijaya Kumar
Counsel for the Respondents	...	Mr. M. Srikanth, SC for ICAR

CORAM:

Hon'ble Mr.Justice R.Kantha Rao

... Judl. Member

ORAL ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Judl. Member }

Heard Dr. P.B. Vijaya Kumar, learned senior counsel appearing for the Applicant and Shri M. Srikanth, learned Standing Counsel for the Respondents.

3. The main grievance of the applicant as it would appear from the submissions of the learned senior counsel is that the Fact Finding Committee, which prima facie took a view that there is material to initiate disciplinary action against the Applicant, is going to make inquiry into the articles of charge levelled against the Applicant in the course of disciplinary inquiry. The Applicant attributes bias to the Committee on the ground that the same Committee will not be in a position to take a different decision in view of their earlier findings.

4. However, under proviso to Rule 114 (2) of CCS (CCA) Rules, the Complaints Committee shall be deemed to be the inquiring authority appointed by the disciplinary authority. The said proviso does not debar the Applicant from making the allegations of bias against the Committee. Though there is no specific provision against the plea of rejection of bias under the CCS (CCA) Rules, the said order can be reviewed by the competent authority.

5. Having regard to the aforesaid facts and circumstances, the Applicant is directed to file a Review Petition before the Director General of CSIR, 1st Respondent in the O.A. within a week and the said authority shall dispose of the Review Petition to be submitted by the Applicant, within four weeks thereafter on merits. The Respondents are directed not to proceed with the inquiry till the disposal of the Review Petition by the 1st Respondent.

6. With the above direction, the O.A. is disposed of without going into the merits of the case. No order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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