

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/021/822/2017

Date of order : 09.02.2018

Between :

K K Prasad Babu,
S/o. Venkateswara Rao,
Aged 58 years, R/o. Flat No.303,
Jupally Arcade, ECIL,
Hyderabad.

....Applicant

AND

1. The Secretary,
Department of Atomic Energy,
Govt. of India, Anushakthi Bhawan,
Mumbai – 400 001.
2. The Chief Executive,
Nuclear Fuel Complex, ECIL Post,
Hyderabad – 500 062.
3. Deputy Chief Executive (Administration),
Nuclear Fuel Complex,
Aadhar Building, ECIL Post,
Hyderabad.

... Respondents

Counsel for the Applicant : Mr. T. Bala Swamy
Counsel for the Respondents : Mr. V. Vinod Kumar, Sr. CGSC.

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. MINNIE MATHEW, ADMN. MEMBER

ORAL ORDER

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

Heard Shri T. Bala Swamy, learned counsel appearing for the Applicant and Shri V. Vinod Kumar, learned Senior Standing Counsel appearing for the Respondents.

2. The Applicant is a Group 'A' Officer in the Respondent's Organization. In the year 2014, two Show Cause Notices dated 1.7.2014 & 24.7.2014 were served by one Sh. S. Goverdhan Rao, who was holding the post of the 3rd Respondent as Deputy Chief Executive (Administration) making certain imputations of misconduct against the Applicant which include unauthorized absence from duty and also not keeping the dignity of his office.

3. The Applicant replied to the Show Cause Notices stating therein that the 3rd Respondent is not competent to issue Show Cause Notices and also stating that the imputations levelled against him are false. However, the 1st Respondent, not being satisfied with the reply submitted by the Applicant, initiated departmental inquiry on 27.5.2015 by appointing the successor of Shri S.Goverdhan Rao who is the 3rd Respondent in the O.A.

4. The Applicant attended the inquiry and the inquiry proceeded to some extent. The Applicant also filed a Bias Petition against the Inquiry Officer. The same was dismissed and the Appellate Authority also rejected the Appeal filed by the Applicant against the order passed in the Bias Petition after circulating the same to the Hon'ble Prime Minister.

5. The present O.A. is filed by the Applicant contending that the 3rd Respondent, who is not the Disciplinary Authority, has no jurisdiction to issue Show Cause Notice and also the 1st Respondent, who is said to be the

Disciplinary Authority, has no delegation of powers from the President of India as per Rule 14 of CCS (CCA) Rules.

6. The Respondents replied by filing a Reply Statement asserting that the 1st Respondent was authorized by the President of India by general instructions to conduct inquiry and the 3rd Respondent who is the superior officer to the Applicant, can issue Show Cause Notices. It is also contended by them that having participated in the inquiry, the applicant cannot file the present O.A. for quashing of the Show Cause Notices and the disciplinary proceedings. They also raised the ground of limitation contending that the Show Cause Notices were challenged after a period of two years and the disciplinary proceedings were challenged after a period of three years whereas he has to approach the Tribunal within a period of one year u/S 21 of Administrative Tribunals Act, 1985.

7. We wish to dispose of the present O.A. on the limited ground whether the Applicant can maintain the O.A. in the aforementioned circumstances and when the inquiry proceedings are in the mid way. It is now well settled that unless the Inquiry Officer has inherent lack of jurisdiction, the inquiry proceedings cannot be quashed when the inquiry already commenced and proceeded to some extent. In the instant case, it cannot be said that the 1st Respondent has inherent lack of jurisdiction to proceed with the disciplinary proceedings against the Applicant; so also the 3rd Respondent to make inquiry in the disciplinary proceedings. The contentions which the Applicant raised in the O.A. can be raised in the inquiry proceedings before the Inquiry Officer. Hence, we do not think it appropriate either to quash the Show Cause Notices or the disciplinary proceedings when the disciplinary inquiry is in progress having regard to the facts and circumstances of the present O.A. However, the

3rd Respondent i.e. the Inquiry Officer is directed to complete the inquiry and pass a final order within a period of four months by taking the contentions putforth by the Applicant into consideration and addressing them in the final order.

8. In the result, the O.A. is dismissed. No order as to costs.

(MINNIE MATHEW)
ADMN.MEMBER

(JUSTICE R.KANTHA RAO)
JUDL.MEMBER

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