

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI,
CAMP AT NAGPUR.**

O.A.No.211/00099/2017

Dated this Tuesday the 22nd day of August, 2017.

**Coram: Hon'ble Shri Arvind J. Rohee, Member (J)
Hon'ble Ms.B. Bhamathi, Member (A).**

Raj Shekhar Mishra s/o Maheshwar Mishra,
Principal Scientist JNARDDC,
R/o. Plot No.3, Raut Layout,
Near Sadiquabad Colony,
Mankapur-440030. .. Applicant.

(By Advocate Smt.Rashi Deshpande).

Versus

1. The Union of India, through its Secretary, Ministry of Mines, Shastri Bhavan, New Delhi - 110 001.
2. The Director, Jawaharlal Nehru Aluminium Research Development and Design Centre, Wadi, Nagpur (Autonomous Body of Ministry of Mines, Government of India)-440023.
3. Secretary Cum Administrative Officer, Jawaharlal Nehru Aluminium Research Development and Design Centre, Wadi, Nagpur (Autonomous Body of Ministry of Mines Government of India)-440023.
4. Asst Admn Officer, Jawaharlal Nehru Aluminium Research Development and Design Centre, Wadi, Nagpur (Autonomous Body of Ministry of Mines Government of India)-440023. .. Respondents.

**(By Advocate Shri R.G. Agrawal, for R-1 and
by Advocate Shri R.M. Bhangde, for R-2 to 4).**

Order reserved on : 21.07.2017
Order delivered on : 22.08.2017

O R D E R
Per : Arvind J. Rohee, Member (J)

The applicant who is presently working as Principal Scientist in Jawaharlal Nehru Aluminum Research Development and Design Centre (JNARDDC for short) at Wadi, Nagpur under Respondent No.2, approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 raising a grievance regarding appointment of Shri R.N. Meshram, retired employee of Indian Bureau of Mines (IBM for short) as the Inquiry Officer. The following reliefs are sought in O.A.:-

"i) Quash and set aside the order no JNARDDC/DIR/IOC/2016/17 dated 11.11.2016 appointing R.N. Meshram as inquiry office as illegal suffers force of law and in gross violation of Statutory Governing Departmental enquiries under CCS (CCA) Rules, 1965.

ii) Declare that all the subsequent actions of the disciplinary authority and R.N. Meshram subsequent to his appointment i.e. order dt. 11.11.16 is invalid, unauthorized and non-est in the eyes of law.

iii) Any other relief as this Hon'ble Court deems fit and proper under the facts and circumstances of the case."

2. The applicant while working as Principal Scientist in JNARDDC was served with a Memorandum of

Charges dated 27.07.2016 (Annexure A-2) proposing to initiate disciplinary proceedings against him under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 (CCS(CCA) Rules for short). The applicant opposed the charges levelled against him by way of reply. Thereupon vide impugned order dated 11.11.2016 (Annexure A-1), the respondent No.2 appointed Shri R.N. Meshram, retired IBM officer under Ministry of Mines as the Inquiry Officer to conduct the said disciplinary proceedings. The applicant participated in the proceedings and sought time to seek the Defence Assistance. On 27.01.2017, the applicant raised objection before Inquiry Officer regarding appointment of Shri R.N. Meshram as the Inquiry Officer on the ground that the same is not in accordance with the guidelines issued by the Department of Personnel & Training (DOPT for short) nor he is from the panel prepared by Central Vigilance Commission. Hence, the respondent No.2 had no authority to appoint such Inquiry Officer, which also resulted in vitiating the proceedings held before the said Inquiry Officer.

3. The applicant then submitted a representation dated 27.01.2017 (Annexure A-5) to the Disciplinary Authority i.e. respondent No.2 disputing the appointment of Shri R.N. Meshram as the Inquiry

Officer, with a request to cancel the same and appoint any other officer in accordance with rules. By the order dated 31.01.2017 (Annexure A-6) the respondent No.3 informed the applicant that appointment of the said Inquiry Officer is in order and calls for no interference. It is stated that the Inquiry Officer proceeded with the inquiry and completed the same. The Inquiry Officer then submitted report to the Disciplinary Authority, which was served on the applicant for seeking his representation on it.

4. The applicant, therefore, approached this Tribunal for seeking the above reliefs, which are based on the following grounds as mentioned in Para 5 of the O.A. The same are reproduced here for ready reference:-

"5.1) The impugned order dated 11.11.16 is illegal null and void and cannot sustain in the eyes of law being contrary to the rule 14 of CCS (CCA) rules 1965 and hence liable to be set aside.

5.2) The appointment of Inquiry Officer is without following the rules and procedure prescribed and hence liable to be set aside. The respondent organization has chosen an unauthorized person with predetermined conclusion to damage the career of the applicant.

5.3) The respondents are bullying the applicant. The applicant has been singled out and is metted out with harassment at the hands of the respondent no.2, on one or the other frivolous grounds for the reasons best

known to the respondent no.2. He is being subject to humiliation with intention to disgrace and upset him. The malafide intentions and ulterior motives of the respondents have created work environment to be hostile. Permitting an unauthorized person to proceed with enquiry is total non-application of mind and speaks of colourable exercise of powers with malafide intentions and ulterior motives.

5.4) The respondents totally overlooked, the directions of the Central Vigilance Commission regarding appointment of Inquiry Officers from the panel of retired officers for conducting enquiry which reads as follows:

"In order to take full advantage of this and to make the process more transparent and less time consuming the Commission has put the panel of Retired Officer as well as terms and conditions on its Website. This will enable the Organizations to access it whenever they need the services of the retired Officers for conducting departmental inquiries instead of approaching the Commission."

The applicant states that Shri R.N. Meshram is not in CVC panel of inquiry officer and hence cannot conduct inquiry in violation of the rules and procedure prescribed. Therefore the order of appointment of R.N. Meshram is against the rule hence liable to be set aside.

5.5) The respondent has overlooked the office memorandum F.No.142/40/2015-AVD.I dated 07.01.16 which specifically describes the procedure for appointment of retired officers as the inquiry officers for conducting Departmental Inquiries. The Inquiry Officer appointed by the impugned order dated 11.11.16 is an unauthorized officer and not empowered

to conduct inquiry as per law as his appointment suffers procedural deficiencies.

5.6) The communication dated 31.01.17 emanated from Secretary cum Administrative Officer is a ploy to protect the Disciplinary Authority who acted illegally and rode roughshod to the mandatory directives in relation to direction of CCS(CCA) Rules, 1965.

vi) The proceedings held by R.N. Meshram is without jurisdiction and not valid and falls outside the mandatory provisions of CCS (CCA) rules, 1965, hence the letter dated 7.4.17 calling upon the applicant to submit his representation under rule 15(2) of CCS (CCA) Rules, 1965 on the inquiry report has no force, illegal without jurisdiction and it is detrimental to the interest of the applicant and therefore liable to be quashed and set aside.

5.7) All actions taken by Disciplinary authority and Shri R.N. Meshram subsequent to the issuance of Memorandum to the applicant are invalid and liable to be set aside as it lacks force of law."

5. On 20.04.2017 while issuing notice to the respondents, this Tribunal directed the Disciplinary Authority (respondent No.2) not to finalize his decision on the Inquiry Officer's report till the next date of hearing. The said interim order was then continued from time to time, which is still in force.

6. The respondents No.2 to 4 by a common reply resisted the O.A. and denied all the adverse averments, contentions and grounds raised therein. It

is stated that the inquiry is concluded and copy of inquiry report is served on the applicant on 07.04.2017. Thereafter, only the applicant approached this Tribunal with malafide intention and has illegally obtained the interim order in his favour, due to which further proceedings are stayed towards finalization of the inquiry. It is stated that since the matter is now pending before the Disciplinary Authority for its final adjudication on Inquiry Officer's report, the present O.A. is not maintainable, since no prejudice will be caused to the applicant in absence of any adverse order having been passed by the Disciplinary Authority against the applicant so far. It is stated that so long as the inquiry does not culminate in imposition of punishment on the applicant, he does not get any right to challenge the Inquiry Report. The O.A. is, therefore, liable to be dismissed on this ground.

7. It is stated that the inquiry commenced on 28.11.2016 and the applicant sought 3 adjournments on 13.12.2016, 04.01.2017 and 11.01.2017 for engaging the Defence Assistant to proceed with the inquiry. It is only on 27.01.2017 he raised the objection regarding appointment of the Inquiry Officer. He has done so with a view to prolong the inquiry. The Inquiry Officer granted full opportunity to the applicant to

proceed with the inquiry and ultimately submitted a report to the Disciplinary Authority. As such no grounds are made out for interference by this Tribunal.

8. It is stated that the JNARDCC is an Autonomous body under the Ministry of Mines. It is not a statutory creation and is only a Registered Society under the Societies Registration Act, 1860. It is not fully dependent on Government grants for carrying out its aims and objects. The respondent No.2 is stressing hard to enhance its internal revenue and thereby became self sustained. The Rules and Regulations governing the institution are framed by itself. It has its own Memorandum of Association vide Annexure R-4 and also its own service rules and conduct rules governing conditions of service of employees engaged by JNARDCC. The guidelines/circulars issued by the Central Government are applicable to Respondent No.2 only when they are specifically so made applicable or are adopted by the said Institution. It is thus open for the Institution to adopt the Government guidelines/circulars. For these reasons the O.M. dated 07.01.2016 (Annexure A-4) issued by DOPT relied upon by the applicant is not applicable to the respondent No.2 by itself unless it is specifically made applicable or is adopted by the

Institution.

9. It is stated that the decision of Government in the matter of Bonus and applicability of recommendations of 7th Pay Commission to the employees of the Institution are specifically made applicable by the Government. Hence those were applied and followed by JNARDDC.

10. It is stated that on 16.12.2013 the respondent No.2 prepared its own list of Inquiry Officers in which retired senior officers of high integrity and caliber were empanelled. Shri R.N. Meshram is from the said panel whose integrity is beyond doubt and hence applicant should not have any objection for such appointment. It is also stated that respondent No.1 is neither necessary nor proper party to the O.A. hence his name needs to be deleted. The O.A. is, therefore, liable to be dismissed.

11. The respondent No.1 by a separate reply dated 12.07.2017 resisted the O.A. practically on the same grounds as raised by the respondent No.2 to 4 in their reply and also relied on the documents produced by respondent No.2 to 4.

12. The applicant then filed rejoinder on 09.06.2017 and denied all the adverse averments and contentions raised in the reply by the respondents. Copy of Income and Expenditure statement of March,

2016 of the respondent No.2 is also produced on record. It is stated that JNARDDC is controlled by Ministry of Mines and hence the Notifications/Circulars issued by DOPT and Ministry of Mines are applicable to the said Institution and they are bound to follow it. It is also stated that JNARDDC has also framed Conduct Rules on par with CCS (Conduct) Rules. It is stated that the inquiry was conducted behind the back of the applicant and without considering his objection for appointment of Inquiry Officer and hence the same is vitiated. It is stated that JNARDDC is governed by the DOPT's OM dated 07.01.2016 and since Shri R.N. Meshram is not from the panel prepared by C.V.C. his appointment is illegal. The O.A. is, therefore, liable to be allowed.

13. On 21.07.2017 when the matter was called out for final hearing during the Circuit Bench Sitting at Nagpur, we have heard Smt. Rashi Deshpande, learned Advocate for the applicant and the reply arguments of Shri R.G. Agrawal, learned Advocate for respondent No.1 and that of Shri R.M. Bhangde, learned Advocate for respondents No.2 to 4.

14. We have carefully gone through the entire pleadings of the parties and the documents relied upon by them in support of their rival contentions and have also given thoughtful consideration to the submissions

advanced before us and also to decisions/citations relied upon by them.

FINDINGS

15. The only controversy involved in this O.A. for decision of this Tribunal is whether the impugned order dated 18.11.2016 regarding appointment of Shri R.N. Meshram as the Inquiry Officer and rejection of applicant's representation for cancellation of his appointment and to appoint another Inquiry Officer vide communication dated 31.03.2017 is in any manner illegal, improper or incorrect, and hence liable to be set aside by this Tribunal.

16. It is not disputed that the applicant is presently working as Principal Scientist with the respondents and that a disciplinary proceedings was initiated against him vide Memorandum dated 27.10.2016 on the allegations that he was engaged with the private assignment/consultancy work on behalf of National Accreditation Board for Testing and Calibration Laboratories (NABL) under Department of Science & Technology, Government of India without any previous permission in writing or sanction from the Competent Authority, on several occasions and has received remuneration for the same and left the headquarters without obtaining permission of the Director, JNARDDC when he was put under suspension and

thereby violated the provisions of CCS (Conduct) Rules and Conduct Rules framed by the JNARDCC.

17. Since the applicant denied the charges levelled against him, Shri R.N. Meshram was appointed as Inquiry Officer. The proceeding sheets of the inquiry show that the applicant sought time on four occasions for engagement of Defence Assistance and thereafter raised objection regarding legality and validity of appointment of the Inquiry Officer.

18. During the course of arguments the learned Advocate for the applicant strongly placed reliance on DOPT's OM dated 07.01.2016 (Annexure A-4) which prescribes detail procedure for empanelment of retired officers as the Inquiry Officers for conducting departmental inquiries. Para 2 thereof provides for preparation of a panel of retired officers not below the rank of Deputy Secretary in the Central Government and equivalent officers in the State Government/Public Sector Undertakings for their appointment as Inquiry Officer for the purpose of conducting departmental inquiries. A direction was issued to the respective cadre controlling authorities to take necessary action for inviting applications from willing and eligible retired officers to serve as the Inquiry Officer for conducting departmental inquiries. Terms and conditions for appointment of retired officers as the

Inquiry Officers are also prescribed, including the quantum of honorarium and other allowances payable to them.

19. During the course of arguments the learned Advocates for the respondents do not dispute that the DOPT has issued the above referred OM. However, according to them the same is not specifically made applicable to JNARDDC as it is silent on this point nor subsequently it was made applicable by the Government to the said Institution. It is also stated that the JNARDDC is an Autonomous Body partly funded by the Government under the Ministry of Mines and it is a Registered Society and also a Public Trust. The respondents have produced on record copy of the Memorandum of Association and Rules and Regulations of JNARDDC framed on its registration as Society under Societies Registration Act, 1860 on 13.08.1987 and under Bombay Public Trust Act, 1950 on 08.10.1987 vide Annexure R-4.

20. Careful perusal of Memorandum of Association reveals that the objects of the Institution are elaborately stated in Clause 3 thereof. It reads as under:-

"(a) To assimilate the technology available in the country for production of Alumina and Aluminium including Aluminium Alloys.

(b) To undertake, aid, promote,

guide, manage, coordinate and execute research in Alumina and Aluminium technology including Aluminium Alloys and environmental management/energy saving techniques for Alumina/Aluminium Projects.

(c) To develop technical know-how and basic engineering for production of Alumina/Aluminium and its alloys.

(d) To develop by purchase, lease or otherwise in whole or in part, equipment and facilities to further the objects of the Society.

(e) To establish, maintain and manage facilities for the acquisition, storage, retrieval, dissemination, evaluation, scrutiny and interpretation of information relating to technologies required for its programme.

(f) To collaborate with scientific agencies, research centres and educational institutions on specific projects and undertake investigations in the field of technology relevant to the objects of the Society.

(g) To conduct field experimentation, pilot plant testing and evaluation of other such activities necessary for the proving of technologies in the field of Alumina and Aluminium.

(h) To cooperate and collaborate with other national and/or foreign institutions and international organizations to further the objects of the Society.

(i) To publish and disseminate the results of research, development, test and evaluation conducted by the Society.

(j) To register patents, designs

and the technical know-how that may be developed by the Society and transfer of any portion of such patents/designs/technical know-how and to receive royalty and such other payments that the Society may decide on such patents designs and technical know-how.

(k) To receive funds, grants-in-aids, subscriptions, donations fees, charges etc. and to invest such funds/money entrusted to the Society upon such securities or in such manner as may from time to time be determined by the Governing Body in line with the extent instructions of the Government to the Society.

(l) To do all such other things as the Society may consider necessary/incidental/ancillary to the attainment of the main objects of the Society.”

21. The Memorandum of Association further states that the Governing Body consists of the ex-officio Secretary to the Government of India, Department of Mines, Ministry of Steel & Mines as its Chairman and 5 Ex-officio Members including Additional Secretary to the Government of India, Department of Mines, Financial Adviser & Additional Secretary to the Government of India, Ministry of Steel & Mines, Chairman-cum-Managing Director National Aluminium Company Ltd. and Chairman-cum-Managing Director Bharat Aluminium Company Ltd. as its Members. The tenure of the office of the Chairman and Members is also prescribed. Other Members of the Society are also prescribed such as Chairman-cum-Managing Director,

Metallurgical & Engineering Consultants (India) Limited, President/Chief Executive Hindustan Aluminium Corporation Limited, Managing Director Indian Aluminium Company Limited, Managing Director Madras Aluminium Co. Limited, Controller of Aluminium, Department of Mines and such other person/body or individual interested in academic research work of the Society as the General Body may decide to admit. Composition, Power and Function of the General Body is also elaborately prescribed. A provision for appointment of Director General and Audit Inspection of Accounts of JNARDCC is also made to infer that it is an independent body.

22. The Institution is empowered to make appointment of the required staff members including the Scientists to achieve the object. There is nothing on record to show that Society which is an Autonomous Body functions fully under the administrative control of Ministry of Mines or that it is fully funded by the Government. The Institution is also empowered to create and abolish posts, appoint various scientific, technical, administrative and other officers and staff of the Society, fix their remuneration and define their duties also. The Society is also empowered to prescribe procedure for recruitment of officers and other staff members, and

their terms and tenure of appointments, emoluments, allowances, rules of discipline and other conditions of service of the officers and establishments of the Society.

23. It is thus obvious from perusal of above provisions made in the Memorandum of Association that the JNARDDC is an independent Autonomous Body, although some members of the Governing Body are ex-officio officers working in Ministry of Mines. This being so, we do not find any force in the contention of learned Advocate for the applicant that any decision rendered by the Central Government in the Ministry of Mines or DOPT guidelines/office memorandum/notifications, circulars are automatically applicable to JNARDDC. It is obvious that unless Government specifically directs that Circulars/guidelines/office memorandum issued by various Ministries in the Central Government are made applicable to JNARDDC or that its Governing Body takes a decision to adopt such circulars/guidelines/office memorandums, the same cannot be considered. This is for the simple reason that JNARDDC has evolved its own procedure by framing rules and regulations for effective management of the Society to achieve the goal. Simply because the Society might have been receiving some Government grant it cannot be said that

it is fully working under the administrative control and supervision of the Ministry of Mines and hence its employees are directly governed by any decision taken by the Ministry of Mines or other Ministries and Departments i.e. of Central Government including DOPT.

24. There is nothing on record to show that JNARDDC has adopted the DOPT OM dated 07.01.2016, or that it is specifically made applicable to it by the Central Government. This being so, we are of the considered view that no case for interference is made out and since JNARDDC has specifically adopted CCS (CCA) Rules and they have also prepared a panel of retired officers for being appointed as Inquiry Officers to conduct the disciplinary proceedings against its employees, it cannot be said that they acted beyond their authority and competence and that they must follow the DOPT OM dated 07.01.2016.

25. It is obvious from perusal of record that Inquiry Officer has been appointed by following the provisions of Section 14 of the CCS (CCA) Rules and he is from the panel prepared by the JNARDDC. In such circumstances of the case it cannot be said that the respondents were duty bound to appoint retired officers from the panel prepared by CVC or in accordance with the provisions of the DOPT OM dated 07.01.2016. We, therefore, do not find any fault or

ambiguity in making appointment of Shri R.N. Meshram as the Inquiry Officer in the matter.

26. There is nothing in the Memorandum of Association or rules framed by JNARDDC that it is specifically provided that the rules/notifications/circulars issued by the Ministry of Mines / DOPT or Department of Expenditure will be automatically applicable to its employees. Hence unless they are adopted or made applicable by Government, it cannot be considered and employees will be governed by rules framed by JNARDDC. Further OM dated 13.01.2017 issued by Government of India, Ministry of Finance, Department of Expenditure clearly states as under:-

"The employees working in the Quasi-Government Organizations, Autonomous Organizations, Statutory Bodies etc. set up and funded/controlled by the Central Government, are not Central Government employees and, therefore, the benefits implemented by Central Government in respect of Central Government employees as part of their service conditions, are not directly applicable to the employees working in such autonomous organizations. The application of such benefits as given to Central Government employees in respect of employees of such autonomous organizations as well as the manner and conditions governing such application, including sharing of the additional financial implications arising thereon, requires specific approval of the Central Government. The autonomous organizations are expected to manage their affairs in such a fashion that their dependence on Central Government for financial

support to meet the extra financial implications is minimal, as such autonomous organizations are expected to be financially self-sufficient so as not to cause any extra burden on the Central Exchequer."

27. For the above reasons it cannot be said that applicant is governed by O.M. dated 07.01.2016.

28. It is obvious from record that the inquiry is already concluded, although it appears that the applicant did not take part in the inquiry for cross examining the departmental witnesses for the reasons best known to him and the Inquiry Officer has already submitted his report to the Disciplinary Authority for consideration. In view of this the further consequences shall follow. It cannot be said that the appointment of Inquiry Officer made by respondent No.2 is in any manner illegal, improper or incorrect and it is vitiated by any of the provisions of DOPT's OM dated 07.01.2016. As such it cannot be said that the proceedings held before Shri R.N. Meshram are also vitiated and it is necessary to replace him to hold *denovo* inquiry. We, therefore, reject the contention of the applicant.

29. Before concluding it may be mentioned that the learned Advocate for the respondents placed reliance on the decision rendered by Hon'ble Supreme Court in **P.D. Aggarwal and others Vs. State of U.P.**

And others, (1987) 3 SCC 622 decided on 08.06.1987, in which it has been held that Office Memorandum issued by the department being administrative order/executive instructions cannot supersede or amend statutory rules of service. In the present case, although the applicant relied on the DOPT's OM dated 07.01.2016, for the reasons stated earlier, the same is not adopted by the JNARDDC nor it has been specifically made applicable to it by Government. As such although the law laid down in the aforementioned case cannot be denied, there is nothing on record to show that statutory rules framed by JNARDDC governing service matters are in any way contrary to those executive instructions and hence provisions of the said OM alone will govern the field.

30. Another decision in **H.V. Nirmala Vs. Karnataka State Financial Corporation and others, (2008) 7 SCC 639 decided on 08.05.2008** is also relied upon. In that case objection regarding appointment of Inquiry Officer was not raised during inquiry proceeding but the same was subsequently raised by way of representation to the Inquiry Officer's report. It has been held that the charged employee is deemed to have waived the objection. In the present case, however, the applicant questioned the legality and validity of the appointment of Inquiry Officer during

course of preliminary hearing itself and hence it cannot be said that he was estopped from raising the said objection.

31. In another case of **State represented by Inspector of Police, Chennai Vs. N.S. Gnaneswaran, (2013) 3 SCC 594 decided on 09.01.2013**, it was a case in which the provisions of Section 154(2) of the Criminal Procedure Code, 1973 were interpreted regarding supply of copy of FIR to the accused. It was held to be merely directory and not mandatory. The issue regarding Audi Alteram Partem i.e. right to hearing was also considered in that case. The doctrine of prejudice is also expounded and it is held that unless in a given situation aggrieved person makes out a case of prejudice or injustice, technical infraction of law would not vitiate order/enquiry/result. In the present case on account of appointment of Shri R.N. Meshram as the Inquiry Officer, it is nowhere contended by the applicant that a strong prejudice has been caused to him. His only contention is that appointment should have been made in accordance with provisions of OM dated 07.01.2016, which is held to be not made applicable to or adopted by the JNARDCC. Hence no relief can be granted to applicant.

32. In another case of **T.M. Sampath and others**

Vs. Secretary, Ministry of Water Resources and others with connected Civil Appeals, (2015) 5 SCC 333 decided on 20.01.2015, the issue regarding pension scheme to the employees of National Water Development Agency (NWDA) an autonomous body under aegis and control of Ministry of Water Resources is involved. It is stated in Clause 28 of Memorandum of Association of NWDA that rules and orders applicable to Central Government employees shall apply mutatis mutandis to employees of NWDA subject to modification by Governing Body. NWDA has also framed its own regulations i.e. CPF Rules, 1982 which were duly approved by the NWDA. In such circumstances of the case, it was held that since NWDA has framed its own regulations governing the field, appellant employees of NWDA can be governed by the said rules and not by the OM dated 01.05.1987. The same situation arises in the present case also, since JNARDDC has framed its own Service and Conduct Rules, being an autonomous body and hence the applicant will also be governed by those rules.

33. In another case of Union of India Vs. Jai Dev Wig and others, (2015) 5 SCC 353, decided on 30.10.2007, it has been held that Postgraduate Institute of Medical Education and Research, Chandigarh being an autonomous body and services of respondents not covered by the proviso to Articles 309

or 311 of the Constitution, the impugned order finding respondents as Government servants and entitled to benefit of OM dated 09.04.1981, regarding relaxation of age limit for appointment in Group 'A' or Group 'B' post is unsustainable and liable to be set aside. The same analogy is applicable to the present case, since the applicant is governed by the service rules framed by the JNARDDC an autonomous body. Perusal of conduct rules framed by JNARDDC are in pari materia with the CCS (Conduct) Rules, hence the applicant is governed by those rules and it cannot be said that Disciplinary Authority should have considered the provisions of OM dated 07.01.2016 only while making appointment of the Inquiry Officer.

34. Lastly in **Maharashtra Rajya Shetki Mahamandal Karmachari Sanghatna Vs. M.D. Maharashtra State Farming Corporation Ltd and another, 2006(1) Mh.L.J. 223**, it has been held that the respondent Corporation is not an entity of the State Government and notification cannot be made applicable to autonomous body automatically. In the present case there is nothing on record to show that JNARDDC has adopted OM dated 07.01.2016 as stated earlier.

35. From the above discussion, it is obvious that no grounds are made out by the applicant to challenge the legality and validity of the order of appointment

of Inquiry Officer. We, therefore, do not find any merit in the present O.A. and the same is liable to be dismissed. It is accordingly dismissed.

36. Consequent upon dismissal of the O.A., the Disciplinary Authority will now be at liberty to conclude the inquiry in accordance with law from the stage it was stayed prohibiting him from passing the order on submission of the report by the Inquiry Officer.

37. No order as to costs.

(Ms .B. Bhamathi)
Member (A)

(Arvind J. Rohee)
Member (J) .

H.