

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**OA-411/2019
MA-487/2019**

New Delhi this the 18th day of March, 2019.

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sh. Ashok Kumar Ojha,
S/o Late Prof. B. Ojha
Aged about 53 years
Presently holding Group 'B' Post
Working as Programme Executive (Ad-hoc)
NABM, Prasar Bharati,
R/o 61-A, Arawali Apartments,
Sector-52, Noida, U.P.-201301. Applicant

(through Sh. Nilansh Gaur, Advocate)

Versus

1. Prasar Bharati
Through its Chief Executive Officer,
Prasar Bharati Secretariat,
Prasar Bharati House,
Copernicus Marg,
New Delhi-110001.
2. Director General,
All India Radio and Disciplinary Authority,
Akashwani Bhawan, Parliament Street,
New Delhi-110001.
3. The Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan,
New Delhi-110001. Respondents

(through Sh. B.S. Rawat, Advocate)

ORDER (ORAL)**Mohd. Jamshed, Member (A)**

The applicant had joined All India Radio (AIR) as Transmission Executive (Trex) in 1998. He was promoted as Programme Executive (PEX) on ad hoc basis vide order dated 08.07.2016. The applicant was served with a major penalty charge sheet vide the charge memo dated 23.08.2016 under Rule-14 of CCS (CCA) Rules, 1965 indicating various lapses on his part during the period October, 2011 to April, 2015 when he was posted in Central English Features Unit (CEFU) under DG, AIR. The applicant submitted a detailed written submission of defence requesting dropping of charges to the Disciplinary Authority (DA) on 06.09.2016. The DA appointed one Sh. Rajeev Kumar Shukla as Inquiring Officer (IO) on 13.04.2017. Subsequently, the IO retired and was re-engaged on contract basis as Officer on Special Duty (OSD) and continued as IO in the disciplinary proceedings against the applicant. The applicant made several representations for change of IO and dropping of charges against him. The request of the applicant was rejected by the competent authority vide impugned letter dated 07.01.2019.

2. The applicant has filed the present O.A. requesting the Tribunal that:-

(a) Records of the case pertaining to initiation of disciplinary proceedings against him be called.

(b) The impugned order dated 07.01.2019 and the charge sheet be quashed and set aside.

3. The applicant in support of his submission indicated that the charge sheet issued to him imputes alleged misconduct while he was posted in the CEFU from 2011-2015 and the charge sheet had been issued on 23.08.2016 i.e. after a delay of about five years from the initiation of the alleged misconduct. It is also mentioned that although he was upgraded as PEX but he continued to work as TREX from 2011 onwards and, therefore, the charge sheet alleging misconduct and failure to perform the duty of PEX is liable to be set aside.

4. The applicant has also sought interim relief, seeking that the disciplinary proceedings be stayed.

5. The respondents in their submissions mentioned that the applicant while working in CEFU during the period 2011 to 2015 was responsible for producing monthly National programme of English Features. During this period, he failed

to perform his duties regarding preparation of quarterly schedule of programmes required for approval by the competent authority. The non-availability of advance information to the senior officers in the form of quarterly schedules resulted in wastage of resources of the non-Hindi belt primary channel stations of AIR by rebroadcasting in National programmes. These are very serious charges as the applicant did not produce fresh programmes and also attempted to mislead senior officers and used channels of AIR by broadcasting old and repeat programmes. For those lapses and his conduct under Rule-14 of CCS (CCA) Rules, 1965 charge sheet dated 23.08.2016 was initiated and one Sh. Rajeev Kumar Shukla, the then Station Director, AIR was appointed as IO. The applicant's request for change of the IO, has been rejected by the competent authority vide the impugned order.

6. Heard the learned counsel of the applicant and the respondents at length.

7. The applicant joined AIR as Transmission Executive in 1998 and was posted in different units. He was posted in CEFU in AIR between the period 2009 to 2015. On 29.11.2013 vide Order No. 71 he was upgraded as PEX. He continued to perform the duties on his substantive post of TREX vide

order dated 29.11.2013. For various alleged irregularities and misconduct during this period, the applicant was issued a charge sheet vide order dated 23.08.2016 and Sh. Rajeev Kumar Shukla, the then Station Director, AIR was appointed as IO vide order dated 13.04.2017. The applicant has submitted various representations requesting for change of IO dated 21.03.2018, 22.03.2018 and 06.04.2018. The competent authority considered the representations of the applicant regarding change of IO and vide order dated 16.04.2018 rejected the same. The applicant submitted another representation dated 28.04.2018, which was also rejected by the competent authority vide order dated 07.01.2019.

8. From the above mentioned, it is evident that the applicant was issued a charge sheet for alleged misconduct and irregularities, IO has been appointed and the disciplinary proceedings are under way. Various representations during this period for change of IO have been considered and decided by the competent authorities. As of now, there is no impugned order through which punishment was imposed on the applicant. There is no occasion to verify whether any procedure was not followed in the disciplinary proceedings, referable to the

charge memorandum. Applicant's prayer seeking redressal of his grievances at this stage from the Tribunal is entirely pre-mature. We do not find any merit in the present O.A. and the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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