

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1443/2019

Wednesday, this the 8th day of May 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

S K Chaudhary
s/o late Shri S N Choudhary
age 53 years
r/o A/4, Sector 56, Noida
Uttar Pradesh – 201 301

..Applicant

(Mr. Abhishek Kumar Choudhary, Advocate)

Versus

1. Union of India
Through its Principal Secretary
Principal Secretary to Prime Minister
148-A, South Block, New Delhi

2. Mr. Ravikant, IAS
Secretary
Ministry of Consumer Affairs
Food & Public Distribution
Krishi Bhawan, New Delhi

3. Mr. S K Vashist, IAS, Joint Secretary
Sugar & Sugar Administration
Ministry of Consumer Affairs,
Food & Public Distribution
Krishi Bhawan, New Delhi

4. Mr. R K Khandelwal, IAS
Joint Secretary, P & FCI
Ministry of Consumer Affairs,
Food & Public Distribution
Krishi Bhawan, New Delhi

5. Mr. Narender Mohan
Director National Sugar
Institute, Kalyanpur
Kanpur, U.P. - 208017

..Respondents

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as an Assistant Engineer
(Electrical) in the National Sugar Institute, Kanpur, under the

Ministry of Consumer Affairs, Food & Public Distribution. In the year 1997, he filed O.A. No.535/1997 before the Allahabad Bench of this Tribunal, claiming relief regarding promotion to the post of Senior Technical Officer. The O.A. was disposed of through an order dated 31.05.1999, declining the relief, but making certain observations. Thereafter, the applicant filed M.A.No.5562/2000 in the said O.A., alleging that the respondents therein. have deliberately furnished wrong information and action needs to be taken against them. The M.A. is stated to be still pending.

2. The Ministry took up the case of the applicant for consideration under FR 56 (J) and Rule 48 of CCS (Pension) Rules, 1972, i.e., to examine whether he can be continued in service after completion of 50 / 55 years of age or 30 years of qualifying service. In its meeting held on 12.09.2018 the Review Committee comprising of respondent Nos. 2 o 4 herein decided to recommend the compulsory retirement of the applicant. Accordingly, an order dated 20.09.2018 was passed, retiring the applicant on compulsory basis. The applicant is said to have filed an O.A. before the Allahabad Bench of the Tribunal challenging the order of compulsory retirement.

3. The applicant filed W.P. (C) No.4689/2019 before the Hon'ble Delhi High Court with a prayer to quash the Minutes of the meeting of the Review Committee, held on 12.09.2018. A

direction was also sought to require the respondent Nos. 2 to 4 to explain as to why they have not recused themselves in the proceedings. The High Court refused to entertain the writ petition by observing that the appropriate forum is Central Administrative Tribunal and transmitted the petition to this Tribunal. Accordingly, it was re-numbered as O.A. No.1443/2019.

4. We heard Mr. Abhishek Kumar Choudhary, learned counsel for applicant, at some length, at the stage of admission.

5. On the face of it, the O.A. is frivolous and lacking in substance. It is, in fact, reflective of gross indiscipline and misadventurism on the part of the applicant.

6. We have carefully perused the order passed in O.A.No.535/1997. Various contentions advanced by the applicant were not accepted by the Tribunal and no relief was granted. C.P. No.80/1999, filed by the applicant alleging that the directions issued in the order passed in O.A. did not comply with, was dismissed on 30.01.2006. Despite that, he filed M.A., stated to be under Section 193 IPC, with a prayer to initiate proceedings against certain officials. Though it is represented that the M.A. is still pending, the situation is not clear. Assuming that it is pending, the occasion for the Tribunal to initiate action against any officer or party to the O.A., would arise if only a specific finding was recorded while disposing of

the O.A., that an attempt was made to mislead or some facts were misstated deliberately. We do not find any such observation in the order in the O.A. Further, respondent Nos. 2 to 4 herein are not parties to the said O.A. or M.A.

7. The sole basis for the applicant to take the extreme step of impleading the senior most officials in the Department in this O.A., is that the M.A. is still pending. It is not known as to who were named in that M.A., since the applicant has not placed any copy thereof, before us. Without even verifying as to who the concerned officials were, the applicant is indulging in a fanciful and adventurous litigation. Unfortunately, the applicant is no alone in activities of this nature. We take serious exceptions to the same.

8. We, therefore, dismiss the O.A. by imposing costs of ₹10,000/- on the applicant, to be deposited with the CAT, Library Fund, within four weeks from today.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 8, 2019
/sunil/