

**Central Administrative Tribunal
Principal Bench**

**OA No.2483/2017
MA No.126/2019**

New Delhi, this the 22nd day of January, 2019

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

Sh. Govind Jha
Aged 58 years,
Group 'A',
S/o Late Shiv Kumar Jha
(MES 270501)
Superintending Engineer,
Director E-in-C Branch,
IHQ of MoD, Kashmir House,
Rajaji Marg, New Delhi 110 011.

... Applicant.

(By Advocate: Ms. Tamali Wad)

Versus

1. Union of India through its
Secretary,
Ministry of Defence,
South Block, New Delhi 110 011.

2. Command Chief Engineer
Southern Western Command
Jaipur, Rajasthan
PIN 908546, C/O 56 APO.

3. Engineer-in-Chief
HQ Military Engineer Services
Kashmir House,
Rajaji Marg,
New Delhi 110 011.

4. Shri Narendra Saigal
(MES-170449)
CE (QS&C), Joint DG (Contracts)
HQ CE South Western Command,
Jaipur, Rajasthan,
PIN 908546, C/O 56 APO.

... Respondents.

(By Advocate : Shri A. K. Singh)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant is working as Superintending Engineer in the Ministry of Defence. He was issued a charge memorandum dated 31.05.2017. In the statement of imputations, it is alleged that a Board of Officers headed by Shri Narendra Saigal, Chief Engineer (QS&C) was entrusted with the task of ascertaining the facts on ground, relating to alleged lapses pointed out against the applicant, and when the Board met, the applicant denied to it any access of relevant documents, and raised a plea that Shri Narendra Saigal cannot head the team since both of them are from the same batch. It was alleged that the applicant ignored the fact that Shri Narendra Saigal was holding a higher post of Chief Engineer. This OA is filed challenging the charge memo dated 31.05.2017.

2. The applicant contends that Shri Narendra Saigal was instrumental in making the so called reference and constituting a Committee under his Chairmanship is contrary to law. Other grounds are also pleaded.

3. On behalf of respondent nos.1 to 3, a counter affidavit is filed. It is stated that the purpose of constituting a committee was only to ascertain the basic facts and instead

of cooperating with the same, the applicant raised untenable objections and created ugly scene. In para 4 of counter affidavit, it is stated that if the applicant is of the view that Shri Narendra Saigal is ill disposed towards him, the department will carry out the preliminary inquiry with a different Presiding Officer.

4. We heard Ms. Tamali Wad, learned counsel for the applicant and Mr. A. K. Singh, learned counsel for the respondents.

5. The charge memo which is impugned in this OA is in relation to the alleged conduct of the applicant in the course of ascertaining the facts on ground as regards certain lapses pointed out against him. In a way, it can be said that even before any concrete decision was taken regarding initiation of disciplinary proceedings on certain allegations, a charge sheet came to be issued alleging that the applicant did not cooperate and raised objections in the course of preliminary inquiry. In all fairness, the respondents stated that if the applicant has any objection for participation of Shri Narendra Saigal as Presiding Officer of the Committee, they are prepared to replace him with another officer. Apart from reflecting fairness, it will cut into the very basis of the impugned charge memo.

6. Therefore, the OA is allowed and the impugned charge memo is set aside. It is, however, left open to the respondents to take further steps in the matter, in accordance with law and principles of natural justice. There shall be no order as to costs.

MA No.126/2019 also stands disposed of.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/