

**Central Administrative Tribunal
Principal Bench**

OA No.1143/2019

New Delhi, this the 9th day of April, 2019

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

Shashi Mohan
S/o Late Lal Nim
Age 52 years, Group 'A'
Deputy Director (U.S.)
Council for Advancement of People's
Action and Rural Technology (CAPART)
R/o LIG Flat No.193-A, Pocket-12,
Jasola Vihar,
New Delhi 110 025. ... Applicant.

(By Advocate : Shri Rakesh Nautiyal)

Vs.

1. Union of India
Through Ministry of Rural Development (Secy)
Krishi Bhawan,
New Delhi 110 001.
2. Executive Committee
Council for Advancement of People's Action
and Rural Technology (CAPART)
India Habitat Centre, Zone 5A (Core-C)
India Habitat Centre,
Lodhi Road,
New Delhi 110 003.
3. The Director General
Council for Advancement of People's Action
and Rural Technology (CAPART)
India Habitat Centre, Zone 5A (Core-C)
India Habitat Centre,
Lodhi Road,
New Delhi 110 003.
4. The Deputy Director (AED)
Council for Advancement of People's Action
and Rural Technology (CAPART)
India Habitat Centre, Zone 5A (Core-C)

India Habitat Centre,
Lodhi Road,
New Delhi 110 003.

... Respondents.

(By Advocate : Shri S. M. Zulfiqar Alam)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

This OA is filed challenging two charge sheets issued against the applicant, namely, the one dated 06.10.2017 and the other dated 21.02.2019. The applicant has also challenged the order of suspension dated 11.01.2019.

2. The principal contention urged by the applicant is that the authority who issued the impugned proceedings was on the post of Director General in a look after charge, and not on regular basis. It is also stated that the Executive Committee of the respondent organisation is competent to initiate disciplinary proceedings, and even if the power can be said to have been delegated to the Director General, the record does not disclose that the steps taken by the Director General were ratified by the Executive Committee.

3. We heard Shri Rakesh Nautiyal, learned counsel for the applicant and Shri S. M. Zulfiqar Alam, learned counsel for the respondents at the stage of admission itself.

4. The first premise on which the impugned orders are challenged is that the Director General was holding the post just on look after charge basis. However, a perusal of the order dated 03.04.2017 discloses that an officer who was holding the post of Additional Secretary (RD) was “appointed to the post of Director General”. As a clarificatory measure, it was mentioned that he shall hold the post of Director General, in addition to the existing assignment, namely, Additional Secretary. This is different from a mere arrangement of look after charge. Therefore, the first contention of the applicant cannot be accepted.

5. Coming to the second one, there is nothing on record to doubt that the power was delegated to the Director General. The doubt of the applicant is only as regards the approval of the proceedings, by the Executive Committee. The applicant has gained access to one resolution of the Executive Committee, and on finding that there is no mention about the action taken against him in that, he is drawing a presumption that the approval was not accorded. It is only when there exists unimpeachable material to show that the steps contemplated under the bye laws were not taken, that a possibility may exist for the Tribunal to interfere with the impugned orders.

6. We, therefore, dismiss the OA. However, we make it clear that if the applicant is able to get hold of any material in support of his contention, it shall be open to him to take necessary steps in accordance with law.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/