

**Central Administrative Tribunal
Principal Bench
New Delhi**

**OA No.1275/2019
MA No.1416/2019**

This the 24th day of April, 2019

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

R. K. Naidu, Group 'A'
S/o late P. Shripadrao Naidu,
Aged about 59 years,
R/o 510, Hawa Singh Block,
Asiad Village Complex,
New Delhi-110049.
Post-Regional Director,
Presently posted at Sports Authority of India
Head Quarter. ... Applicant

(By Mr. Nilansh Gaur, Advocate)

Versus

1. Union of India through Secretary,
Ministry of Youth Affairs & Sports,
Shastri Bhawan, New Delhi-110001.
2. Central Vigilance Commission
through its Director,
Satarkata Bhawan, A-Block,
GPO Complex, INA,
New Delhi-110023.
3. Sports Authority of India
through its Director General,
JLN Stadium Complex, Lodi Road,
New Delhi-110003. ... Respondents

(By Ms. Geetanjali Sharma, Advocate)

O R D E R

Justice L. Narasimha Reddy, Chairman :

The applicant is working as Regional Director in the Sports Authority of India, the third respondent herein. He was issued charge memorandum dated 01.02.2019, wherein certain acts of misconduct were alleged against him. On receipt of the same, the applicant made a representation with a request to drop the charges on the ground that there was delay in investigation. Through a letter dated 11.03.2019, the Disciplinary Authority rejected the representation. Ultimately, the applicant submitted his written statement of defence on 14.03.2019. Not satisfied with the same, the Disciplinary Authority appointed the Inquiry Officer and the Presenting Officer, through an order dated 08.04.2019. On the same day, the applicant was addressed a letter with a request to cooperate in the course of the disciplinary inquiry. This OA is filed challenging the memorandum dated 01.02.2019, and the three communications dated 11.03.2019, and 08.04.2019 (2).

2. The applicant contends that the allegations are mostly in relation to the items of expenditure incurred in his tenure as Regional Director of Netaji Subhash Western Centre,

Gandhinagar during the year 2015-16, and neither in the internal audit, nor in the audit conducted by the office of Comptroller & Auditor General of India (C&AG) any irregularity was pointed out. He contends that the disciplinary proceedings are initiated with a *mala fide* intention just to create trouble for him before his retirement. Other grounds are also urged.

3. We heard Shri Nilansh Gaur, learned counsel for the applicant, and Ms. Geetanjali Sharma, learned counsel for the respondents.

4. The applicant challenges the charge memorandum as well as the proceedings relating to the appointment of the inquiry officer etc. As many as 10 articles of charge were alleged against him, and each article was elaborated in the statement of imputation. It may be true that most of the allegations are in relation to the method of incurring expenditure. However, the charges cannot be treated as baseless, simply on the ground that the internal audit and the audit conducted by the office of C&AG did not object to the said items of expenditure. The parameters that are applied in the course of audit are substantially different from those that

become relevant in the disciplinary proceedings. The audit will be mostly on the touchstone of existence of the power to incur the expenditure, and the proper channelization of the process. Propriety of incurring expenditure ultimately becomes relevant in that process, though sometimes views may be expressed on that also. At any rate, the applicant can point out or take assistance from audit in that behalf.

5. Occasion for this Tribunal to interfere with the charge memorandum would arise only when it is proved to its satisfaction that the authority that issued the charge memorandum is not vested with the power, or, when no act of misconduct can be perceived, even if the allegations contained in the charge memorandum are taken as true. The applicant did not plead any cogent grounds.

6. The principal contention that the allegation is with reference to stale matters cannot be accepted. Expenditure was incurred in the year 2015-16, and naturally it would take some time for the authorities to take note of the same. An exercise of verification needs to be undertaken before the charge sheet is issued. The applicant is also not able to draw our attention to

any specific provision of law which can be said to have been violated in the process.

7. Appointment of inquiry officer is part of the process of the disciplinary proceedings. The applicant did not point out any infirmity or illegality in the appointment of the inquiry officer of the presenting officer.

8. We do not find any merit in the OA. The same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/