

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.943/2019

Monday, this the 25th day of March 2019

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

Mr. M L Das
Age 59 years
Group A
Deputy General Manager (Accounts), NSIC
Under Suspension
Permanent Address / Address for service
3 No. Gate, Jiban Pal Bagan
Post Office & District Hoogly
West Bengal – 712 103

...Applicant

(Mr. Amit Khemka, Advocate)

Versus

1. Union of India through Secretary
Ministry of Micro, Small & Medium Enterprises
Udyog Bhawan, New Delhi.
2. National Small Industries Corporation Limited
(Hereinafter referred to as NSIC for brevity)
Through Chairman cum Managing Director
(A Government of India Enterprise)
NSIC Bhawan, Okhla Industrial Estate Phase III
New Delhi – 110 020
3. Mr. Mahendra Kumar, Inquiry Officer
National Small Industries Corporation Limited
Software Technology Park
Module No.208, Ground Floor
NSIC-STP Complex
Okhla Industrial Estate (Near Modi Mill)
New Delhi – 110 020
4. Mr. P Udayakumar, Disciplinary Authority
Director (P&M) National Small Industries Corporation Limited
(A Government of India Enterprise)
NSIC Bhawan, Okhla Industrial Estate Phase III
New Delhi – 110 020

...Respondents

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

The applicant was working as a Branch Manager in the National Small Industries Corporation Limited. Alleging that he resorted to acts of indiscipline, an inquiry was conducted by the CBI into certain transactions and affairs of the said Corporation. In view of that development, the applicant was placed under suspension through an order dated 24.08.2016 and the same is being continued. This was followed by a charge-sheet dated 09.01.2018, in which as many as 9 articles of charge were framed. The applicant submitted his explanation and thereafter an inquiry officer was appointed.

2. During the course of inquiry, the applicant raised several objections and made representations. This O.A. is filed challenging the very conducting of inquiry in pursuance of the charge sheet. A prayer is also made for setting aside the order of appointment of inquiry officer dated 04.09.2018 and the daily order sheets prepared by the 4th respondent.

3. We heard Mr. Amit Khemka, learned counsel for applicant at the stage of admission in detail.

4. The applicant was placed under suspension in the year 2016 in view of the proceedings initiated by the CBI. About one and half years thereafter, departmental proceedings were initiated

by serving Office Memorandum dated 09.01.2018. Several irregularities in the form of 9 articles of charge were alleged. The inquiry officer was appointed and the inquiry is in progress.

5. The applicant kept on making representations and raising objections. One of his representations is for furnishing the original of the documents seized by the CBI, for his inspection. The inquiry officer considered the same and passed an order dated 15.11.2018 expressing his inability, stating that the original, which was seized by the CBI, cannot be made available. The applicant has also made a request to the disciplinary authority to change the inquiry officer. Many such requests, which are totally untenable and without any basis, were made. The ultimate objective of the applicant seems to avoid the inquiry on one pretext or the other.

6. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 25, 2019
/sunil/