

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**RA No-194/2017 in
OA No-1530/2013**

New Delhi, this the 24th day of September, 2019

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

E. Nagachandran, S/o Shri P. Easwaran
Deputy Director, CL-II Section
Ministry of Corporate Affairs,
417, 'C' Wing, Shastri Bhawan
Dr. Rajendra Prasad Road, New Delhi-110001.

...Applicant

(through Sh. Tushar Ranjan Mohanty for Prateek Tushar
Mohanty)

Versus

Union of India
Through the Chief Statistician of India and Secretary
Ministry of Statistics and Programme Implementation
Sardar Patel Bhawan, Sansad Marg
New Delhi-110001.

...Respondents

(through Sh. R.V. Sinha with Sh. Satyendra Kumar)

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy

This Application is filed with a prayer to review the order
dated 27.04.2017 passed by this Tribunal in OA No.1530/2013.

The OA, in turn, was filed challenging the major penalty charge sheet dated 21.03.2011. The OA was argued by the applicant in person. The Tribunal dealt with the case in detail and refused to interfere with the charge memo. Having noticed the tone, tenor and manner in which the applicant argued the proceedings and conducted himself in the Tribunal, the Bench made detailed observations contained in the last three paragraphs of the Order. It was mentioned that the applicant, by that time, has instituted as many as 38 proceedings. In the OA itself, the documents were in 700 pages. The Tribunal also expressed its surprise as to how the applicant was able to devote time in pursuing the proceedings without applying for leave. The OA was ultimately dismissed imposing a cost of Rs.1 lakh.

2. We heard Shri Tushar Ranjan Mohanty for Shri Prateek Tushar Mohanty, learned counsel for applicant and Shri R.V. Sinha with Shri Satyendra Kumar, learned counsel for respondents.

3. In this RA, the applicant has virtually started giving sermons to the Tribunal as to how it should have functioned and conducted itself. Extensive reference is made to Order XLVII, Rule 1 of the Code of Civil Procedure and various judgments referred therein, as though it is a paper submitted in a refreshing seminar on

the scope of powers of review. In his attempt to find fault with the Order, he did not spare anything and crossed all limits of propriety.

4. We take serious exception to the manner in which the applicant is behaving and are compelled to observe that he is menace not only to the office, but also to the Tribunal. He not only wasted his time but also that of the entire administration and this Tribunal. When nearly 40 proceedings are instituted, it is not difficult to imagine as how much time is required at various levels in the administration to prepare the defence and to arrange for arguments. The applicant may have luxury of avoiding official duties and to devote his full time to the litigation. The department, however, has to attend to other duties. The capacities of the applicant are evident from the fact that the proceedings referable to the charge sheet dated 21.03.2011 are not concluded yet.

5. Similarly, the applicant was instrumental in consuming tens of hours of time of this Tribunal when the genuine litigants who approached it feeling aggrieved by the orders of removal or punishment or those who are denied appointment, are waiting for years together. Though we thought of imposing heavy costs on this RA also, Shri Tushar Ranjan Mohanty, learned counsel for the applicant has pleaded mercy at his part. Therefore, we dismiss this

RA without any costs. The drawing authority of the applicant shall ensure that the costs awarded in the OA are paid as per the directions issued therein.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/