

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.2423/2019

Tuesday, this the 20<sup>th</sup> day of August 2019

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

Ms. Ashwani Kumari, aged 59 years  
Group B  
d/o Shri Harbans Lal  
Dy. Superintendent, Central Jail, Tihar  
GNCTD,  
r/o G & JU House No.8B, Pitampura  
New Delhi – 110 034

..Applicant

(Mr. Pratap Ch. Misra, Advocate)

Versus

1. Chief Secretary, Govt. of NCT of Delhi  
Delhi Secretariat, IP Estate,  
New Delhi – 110 002
2. Shri D S Pandit  
Enquiring Authority  
Directorate of Vigilance  
6 Level, C Wing, Delhi Secretariat,  
New Delhi – 110 002

..Respondents

## **O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The applicant is working as Deputy Superintendent in Central Jail, Tihar. She was issued a charge memo dated 27.05.2014 wherein it was alleged that she has accepted illegal gratification / bribe in lieu of favour to be extended either to the prisoners lodged in jails or to the persons, intending to meet the prisoners.

2. Earlier, she filed O.A. No.2120/2015 challenging the charge memo. It was pleaded, *inter alia*, that the CCS (CCA) Rules, which were invoked for issuing the charge memo, do not apply to the employees of Prisons Department of Delhi Government. The said O.A. and many others, wherein the same issue was raised, were heard together and through a judgment dated 26.03.2019, they were dismissed. It was held that the CCS (CCA) Rules, 1965 apply to the employees of the Prisons Department of Delhi. It was, however, left open to the applicants to raise all the pleas, except the one as to the applicability of CCS (CCA) Rules, before the inquiry officer or the disciplinary authority, as the case may be.

This O.A. is filed, once again challenging the very charge memo dated 27.05.2014.

3. One of the contentions advanced by the learned counsel for applicant is that a representation was made on 09.07.2019 to the disciplinary authority as well as the inquiry officer, availing the liberty granted by this Tribunal in the judgment in batch of O.As., with a request to drop the proceedings, but no order has been passed thereon.

4. We heard Mr. Pratap Ch. Misra, learned counsel for applicant, at the stage of admission.

5. As observed earlier, the applicant filed O.A. No.2120/2015 challenging the charge memo dated 27.05.2014. Various

grounds urged by the applicants therein were dealt with extensively and the batch of O.As. was dismissed. Paragraphs 30 & 31 of the judgment read as under:-

“30. We do not find any merit in the OAs. These are, therefore dismissed. It is needless to mention that interim order passed shall stand vacated.

31. We permit the applicants herein to raise all the pleas except the one, as to the applicability of CCS Rules, before the Inquiry Officer or the Disciplinary Authority, as the case may be. There shall be no order as to costs.”

6. From the above, it is clear that the liberty given to the applicants in the O.As. was to raise the grounds before the inquiry officer or the disciplinary authority, as the case may be. Nowhere, it was mentioned that an independent order needs to be passed on such representation. In the instant case, the inquiry is already in progress and the contentions advanced by the applicant needs to be examined by the inquiry officer. That can be done either through separate order or in the report of the inquiry officer itself. However, the inquiry officer needs to inform the applicant about this aspect.

7. We, therefore, dismiss the O.A. However, it is observed that the inquiry officer shall inform the applicant as to whether the contentions raised by her in the representation dated 09.07.2019 would be dealt with separately or in the report itself. The inquiry officer shall complete the inquiry and submit his report, within three months from the date of receipt of a copy of this order. It is needless to mention that the applicant shall

cooperate and if she does not cooperate, the inquiry officer shall take necessary steps in accordance with law.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**August 20, 2019**  
**/sunil/**