

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 2473/2019

New Delhi, this the 22nd day of August, 2019

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

Dr. S.H. Sawarkar, Group 'A'
Aged 58 years
S/o Mr. H.M. Sawarkar
Presently working as: Assistant Professor
College of Art, Government of NCT of Delhi
20-22, Tilak Marg, New Delhi-110 001
R/o House No.S-2, A-31/7, Sector 2,
Vaishali, Ghaziabad-201 010
(Uttar Pradesh)

.. Applicant

(By Advocates : Dr. K.S. Chauhan with Shri Murari Lal
and Shri Ajit Kumar Ekka)

Versus

1. The Disciplinary Authority/
Hon'ble Lt. Governor of Delhi,
Through its Secretary,
Raj Niwas Marg,
Delhi-110 007.
2. Govt. of NCT of Delhi,
Through its Principal Secretary,
Department of Training and Technical Education,
Delhi Secretariat, I.P. Estate,
New Delhi-110 002.
3. The Director (Vigilance),
Govt. of NCT of Delhi
Delhi Secretariat, I.P. Estate,
New Delhi-110 002.

4. The Internal Complaint Committee
Through the Principal,
College of Art,
Govt. of NCT of Delhi,
20-22, Tilak Marg,
New Delhi-110 001.

5. College of Art,
Through the Principal,
Govt. of NCT of Delhi,
20-22, Tilak Marg,
New Delhi-110 001.

.. Respondents

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is working as Assistant Professor in College of Art, Tilak Marg, which is established and run by Government of NCT of Delhi, the 2nd respondent herein. He intended to apply to the post of Professor, Art Education and Print Making, in Jamia Millia Islamia and, accordingly, submitted a representation to the 2nd respondent to forward his application.

2. Through an order dated 09.08.2019, the respondents refused to accede to the request of the applicant, placing reliance upon the O.M. dated

23.12.2013 issued by the DoP&T. This O.A. is filed challenging the same.

3. We heard Dr. K.S. Chauhan, learned counsel for the applicant.

4. The only basis, on account of which the respondents refused to forward the application for the post of Professor in Jamia Millia Islamia, is that disciplinary proceedings are pending against the applicant. O.M. dated 23.12.2013 issued by the DoP&T, is to the effect that whenever an employee is facing disciplinary proceedings, his application, seeking employment in another organisation, cannot be forwarded by the present employer.

5. It is not in dispute that the applicant is facing disciplinary proceedings. As a matter of fact, he filed O.A. No. 4214/2018 challenging the Charge Memorandum dated 11.07.2017 and the order dated 18.12.2017, through which the Inquiry Officer was appointed. The O.A. was disposed of on 14.11.2018, directing that the disciplinary proceedings be concluded by 31.03.2019. In

case the disciplinary proceedings are not concluded, the applicant has to pursue the remedies in a different way.

6. The alleged failure of the respondents to conclude the disciplinary proceedings before 31.03.2019 does not confer a right upon the applicant to insist on forwarding of the application, seeking employment in a different organisation.

7. We, therefore, dismiss the O.A. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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