

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00749/2019

Dated Wednesday the 19th day of June Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

A.P.Babu
S/O A.Perumal
No.13/40 , Bheemana Mudali Street,
Alwarpet,
Chennai – 600 018.

....Applicant

By Advocate M/s A.P.Surya Prakasam

Vs

1. The Union of India
Rep. By its Secretary to the Government of India,
Ministry of Corporate Affairs,
Shastri Bhavan, 5th floor, A-Wing,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.
2. The Joint Director
O/O The Regional Director(Southern Region)
Ministry of Corporate affairs,
Shastri Bhavan, Chennai – 600 006.
3. Mr.Jayabalagopal,
No. 57, Ist Street, Singaravelan Nagar,
Behind Beeky Export,
Kadapa Road,
Kolathur,
Chennai – 600 099.

...Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief :

"To set aside the OM of the second respondent dated 26.06.2018 in OM [F. No. RD/SR/VIG/3/2018] r/w the office memo of the first respondent dated 01.01.2019 in F. No. C-13019/51/2017-Vigilance-MCA 01.01.2019 to direct the first respondent to close the enquiry as the same is illegal and unlawful and is being conducted in violation of the order of the Central Vigilance Commission, Government of India dt. 07.03.2016 in No. 98/DSP/9 and may pass such further or other orders as this Hon'ble Tribunal may deem fit and proper and thus render justice."

2. The grievance of the applicant is that the applicant was served with an Office Memorandum dt. 26.06.2018 directing him to furnish comments with regard to how he pursued a law course as a Day Scholar (Regular) prior to switching over to Evening College along with comments on enrolling at the Bar Council of Tamil Nadu & Puducherry. The applicant furnished his reply on 02.07.2018 claiming that from the time of his appointment as company paid staff on 06.07.1989 till his appointment as Central Government staff in the year 2000, he was not a Central Government employee and he was not bound by the statutory provisions or service conditions applicable only to Central Government employees. This situation continued through the study of B.G.L. Course from the year 1992 to 1994. However, the respondents issued a further OM dt. 30.08.2018 seeking certain clarifications and certificates in original for verification and return.

3. The applicant attempted to point out that the action being taken by the

respondents was based on an anonymous complaint which was not to be entertained in terms of the instructions issued by the Central Vigilance Commission on the subject. However, on being directed by memorandum dt. 01.01.2019 to provide the information and certificates as specifically sought, he furnished his reply along with certificates on 10.01.2019 which was received in the office of the Official Liquidator, High Court, Madras on 11.01.2019. The receipt thereof has been stamped with an endorsement "CONTENTS NOT KNOWN".

4. Learned counsel for the applicant would allege that the respondents have continued to harass the applicant since by asking for more and more information and not deciding the matter. Accordingly, the applicant is before this Tribunal seeking aforesaid relief.

5. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and submits that seeking of information or certificates for verification would not amount to harassment. There is no cause of action at this stage for the Tribunal to interfere, it is contended.

6. We have considered the submission. Although learned counsel for the applicant orally alleges that the applicant continues to be 'harassed' even after submitting his reply dt. 10.01.2019 along with the requisite certificates, there is no evidence of any such harassment in terms of further letters or correspondence. If there is any doubt about the conduct of the applicant, it is for

the competent authority to proceed in the matter after due verification and such process could not be termed harassment. At this stage, the applicant has not even been issued with any notice regarding disciplinary action and as such, it is not only premature but presumptuous on the part of the applicant to approach the Court for any relief.

7. OA is misconceived and is accordingly dismissed. No costs.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

19.06.2019

SKSI