

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
(CIRCUIT SITTING AT NAINITAL)**

Dated: This the 27th day of June 2019

Original Application No. 331/00654 of 2019

Hon'ble Ms. Ajanta Dayalan, Member – A
Hon'ble Mr. Rakesh Sagar Jain, Member – J

Shrikant Sharma, S/o late Shri B.D. Sharma, R/o 33/1 Pathri Bagh Dehradun. Presently posted as Assistant in Geodetic and Research Branch, Survey of India 17 EC Road, Dehradun.

.....Applicant

By Adv: Dr. K.H. Gupta and Ms. Pallvi Bahuguna

V E R S U S

1. Union of India through Secretary, Ministry of Science and Technology, Government of India, New Delhi.
2. Surveyor General of India, Survey of India, Surveyor General Office, Post Box No. 37 Dehradun, Uttarakhand India.
3. Disciplinary Authority / Shri Naveen Tomar, Addl. Surveyor General Spl Z, Ptg Z. C.Z. EZ & N.E. Z, Post Box No. 200 Dehradun.
4. Presenting Officer, Shri Uma Kant Sharma Establishment and Accounts Officer, Geodetic and Research Branch, Dehradun.

.....Respondents

By Adv : Shri T.C. Agarwal

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member – A

Heard Dr. K.H. Gupta, learned counsel for the applicant and Shri T.C. Agarwal, learned counsel for the respondents.

2. Learned counsel for the applicant states that the applicant is seeking relief for changing Presenting Officer as the Presenting Officer is biased. Learned counsel for the applicant states that it was on account of action taken by the applicant that the Presenting Officer was found guilty and certain amount paid to him on account of encashment of LTC was recovered from him in the year 2008.

3. Learned counsel for the applicant further states that the Presenting Officer, being an important officer in the inquiry, will be able to influence the inquiry which may adversely affect the applicant. Learned counsel for the applicant, however, states that he has no grouse against the Inquiry Officer or the Disciplinary Authority. He, therefore, prays for direction to the respondents for changing the Presenting Officer only.

4. Learned counsel for the respondents states that the applicant is seeking change of the Presenting Officer. However, the applicant has no right to seek such change and cannot seek direction to the respondents for making such change. He further states that if he has any grievance against the Presenting Officer, he has the right to move representation / make submission before the Inquiry Officer, who will take appropriate decision in the matter.

5. We find that the relief sought by the applicant for changing the Presenting Officer is not maintainable. The Presenting Officer represents the view of the department. As such, it is not binding that he needs to be acceptable to the applicant. In case the applicant has grievance against Presenting Officer, he is within his rights to make representation or appeal before Inquiry Officer and / or the Disciplinary Authority. Further, the learned counsel for the applicant has already stated that he does not have any grouse against the Inquiry Officer and the Disciplinary Authority. In the OA also, no such submission is made out.

6. In view of the above, the OA is dismissed at the admission stage itself. There is no order as to costs.

(Rakesh Sagar Jain)
Member – J

(Ajanta Dayalan)
Member – A

RKM