

(2) CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

1. O.A.NO.1434/2003
2. O.A.NO.1441/2003
3. O.A.NO.1450/2003

Friday, this the 30th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

OA-1434/2003

Shri Vijay Kumar
s/o Shri Mahesh Chand
R/o B-17, Sangam Park
R.P. Bagh, Delhi-7

..Applicant
(By Advocate: Shri Pradeep Srivastava)

OA-1441/2003

Shri Raj Kishore Rai
s/o Shri Ramanand Rai
r/o E-676, Gali No.9
West Vinod Nagar
Delhi-92

..Applicant
(By Advocate: Shri Pradeep Srivastava)

OA-1450/2003

Shri Amichand Prasad
s/o Shri Rajnandan Mehto
r/o B-2596, Netaji Nagar
Delhi-23

..Applicant
(By Advocate: Shri Pradeep Srivastava)

Versus,

1. Union of India
through its Secretary (Personnel)
M/o Personnel Public Grievances &
Pensions, North Block, New Delhi
2. Additional Secretary
Dept. of Administrative
Reforms & Public Grievances
Sardar Patel Bhawan,
Sansad Marg, New Delhi-1
3. Shri K.N.Singh
Director Adminstration
Dept. of Administrative
Reforms & Public Grievances
Sardar Patel Bhawan,
Sansad Marg, New Delhi-1

..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

By this common order, we propose to dispose of three applications, namely, OA Nos. 1434, 1441 and 1450 of 2003. The incident is the same and basically the questions involved are also identical.

2. It appears that an incident took place sometime on 15.11.2002. Arising out of that, articles of charges have been served on the applicants asserting:-

- a) they were found under the influence of alcohol in the afternoon on 15.11.2002 when they were on duty in the Department,
- b) they were found creating noisy scenes and abusing officers and officials of the Department during the office hours; and
- c) under the influence of alcohol, they tried to physically harm Shri S.S. Rishi, Assistant and certain other persons.

3. By virtue of the present applications, the applicants seek quashing of the charge-sheet served upon them and they should be directed to join the duty.

4. During the course of submissions, learned counsel for applicants further stated that the disciplinary authority should be changed because he has bias towards the applicants, though it is not a part of the main relief claimed in the applications.

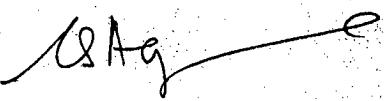


5. After hearing learned counsel for applicants, we are of the considered opinion that at this stage, no interference is called for. At the threshold, we deem it necessary to mention that nothing said herein is any expression of opinion on the merits of the matter. The reasons being that any finding, at the initial stage, may be embarrassing for either party.

6. At the initial stage, a charge-sheet can be quashed in accordance with well recognised principles where it is totally illegal, without any substance or is against the law. Herein, certain facts pertaining to the dereliction of duty on the part of the applicants are alleged. It cannot, therefore, be termed that the articles of charge would meet the requirements for quashing of the charge-sheet at the initial stage. Therefore, this plea must fail.

7. As regards the change of the disciplinary authority, suffice to say that merely because if one of the present applicants earlier had submitted a complaint against him (disciplinary authority), necessarily does not imply judicial bias on the part of the disciplinary authority.

8. At this stage, therefore, on the mere ground that a complaint has been filed against the disciplinary authority, it cannot be termed that the disciplinary authority was bias. There was no material placed before us to come to such a conclusion.

A handwritten signature in black ink, appearing to read "M. A. G." or a similar variation, is placed here.

(4)

9. Resultantly, as for present, subject to what we have stated above, OAs must fail and are accordingly dismissed in limine.

(Govindan S. Tampi)
Member (A)

(V.S. Aggarwal)
Chairman