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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 1539/2003

New Delhi, this the 14th day of July, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.K. Naik, Member(A)

Dr. J. Sundaresan Pillai
F-62, CSIR Scientists Apartments
Maharani Bagh
New Delhi .. Applicant

(Applicant in person)

versus

1. Director General
Council of Scientific & Industrial Research
Anusandhan Bhavan
2, Rafi Marg, New Delhi
2. Director
National Institute of Science Communication
and Resources, CSIR
Dr. K.S. Krishnan Marg, New Delhi
3. R.S. Antil
Inquiry Authority & Sr. Deputy Secretary
CSIR, Anusandhan Bhavan
2, Rafi Marg, New Delhi .. Respondents

(Shri C. Hari Shankar, Advocate)

ORDER(oral)

Justice V.S. Aggarwal

The applicant by virtue of the present application seeks a direction to Respondent No.2 to entrust the inquiry of disciplinary proceedings initiated against him to the Commissioner of Departmental Inquiries under the Central Vigilance Commission (CVC).

2. For purpose of the present application, we need not dwell into detailed facts keeping in view the limited prayer that has been made before us. Suffice to say that departmental proceedings have been initiated against the applicant. Applicant had preferred OA 1626/2002 before this Tribunal in which various pleas had been raised by the applicant. This Tribunal had considered and rejected





the claim of the applicant except to appoint another inquiry officer within one month. The operative portion of the order reads as under:

"30. In the result, for the foregoing reasons, we partly allow these OAs without interfering with the charge-sheets issued to the applicants on several other grounds and set aside the orders rejecting the request of the applicants for change of enquiry officer. The respondents are directed to change the enquiry officer Sh. K.L.Jain and appoint another enquiry officer within one month from the date of receipt of a copy of this order. The applicants are also directed not to indulge in vexatious proceedings and to sincerely cooperate in the proceedings. However, liberty is accorded to them to approach this court if they are aggrieved by any final order passed in the disciplinary proceedings after exhaustion of the remedies available to them, in accordance with law. No costs."

3. It is not disputed before us that in pursuance of this decision rendered on 18th November, 2002, the respondents appointed another inquiry officer on 19th December, 2002. The applicant had challenged the order of the Tribunal in the High Court of Judicature at New Delhi but did not succeed. He preferred SLP No.4358 of 2003 in the apex court. The Supreme Court disposed of the same holding as under:

"In the result, SLP is disposed of with the direction that the inquiry against the petitioner be completed within a period of six months from today and the petitioner is directed to cooperate with the inquiry and shall not seek any unnecessary adjournment of the inquiry proceedings. The respondent shall give copies of all documents proposed to be relied on, to the petitioner within a period of three weeks from today. Needless to add that the Inquiry Officer can place reliance only on documents to which copies are given to the petitioner.

The SLP stands disposed of accordingly."





5. We find difficulty to agree with the contention of the applicant. Reasons are obvious and not far fetched. A person who approaches this Tribunal must claim all the reliefs therein. If a particular relief is not claimed, it is deemed to have been given up or waived as the case may be.

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6. In the present case the position is crystallised on the face of the aforesaid fact that in this Tribunal when the applicant earlier filed OA 1626/2002 such a relief was not claimed. The only prayer made was for change of Inquiry Officer rather than giving to any person working with CVC. Even when he pleaded the matter further, there is no whisper in this regard in any of the aforesaid orders. It is too late therefore in a day to allow such a prayer that the inquiry should be entrusted to the Commissioner of Departmental Inquiries under CVC.

7. Resultantly, therefore, we find that the present application is without any merit. It fails and is dismissed. We make it clear by way of abundant caution that we are not expressing any opinion on the merits of the matter.



(S.K. Naik
Member(A))



(V.S. Aggarwal)
Chairman

/gtv/