

Central Administrative Tribunal, Principal Bench

Original Application No.2193 of 2003

New Delhi, this the 8th day of September, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. R.K. Upadhyaya, Member (A)

Shri Kuldeep Kaul,
273-C, Pocket-II
Mayur Vihar, Phase-I
Delhi-91

.... Applicant

(By Advocate: Shri K.K. Patel)

Versus

1. Minister of Science & Technology and
Vice President, CSIR
Through its Secretary
Anusandhan Bhawan, 2, Rafi Marg,
New Delhi-1
2. Director General,
Council of Scientific & Industrial Research,
Anusandhan Bhawan, 2, Rafi Marg,
New Delhi-1
3. Shri V.K. Gupta,
Director & Disciplinary Authority,
National Institute of Science Communication
and Information Resources (NISCAIR)
Dr.K.S. Krishnan Marg,
New Delhi-12
4. Shri R.S. Antil
Sr. Deputy Secretary & Inquiry Authority
Council of Scientific & Industrial Research,
Anusandhan Bhawan, 2, Rafi Marg,
New Delhi-1
5. Central Vigilance Commission
Satarkta Bhawan, A - Block,
GPO Complex, INA
New Delhi-23

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

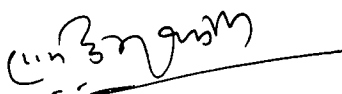
On an earlier occasion, the applicant had preferred O.A.No.1603/2002. This Tribunal had disposed of the same directing the respondents to change the enquiry officer Shri K.L. Jain and appoint another enquiry officer. The operative part of the order reads:


"30. In the result, for the foregoing reasons, we partly allow these OAs without interfering with the

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chargesheets 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."

2. By virtue of the present application, the applicant seeks a direction to entrust the enquiry of the disciplinary proceedings against him to the Commissioner of Departmental Inquiries under Central Vigilance Commission (CVC).
3. This Tribunal had gone into this controversy and had directed that another enquiry officer be appointed and there is no direction that it should be handed over to the CVC. A relief which is not claimed is deemed to have been waived and otherwise if not granted despite claim is deemed to have been refused. Thus it is too late in the day for the applicant to press for the relief.
4. Resultantly, subject to aforesaid, the present O.A. fails and is dismissed in limine.


(R.K. Upadhyaya)
Member (A)


(V.S. Aggarwal)
Chairman