

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.121/2003

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This the 15th day of January, 2003

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

Shri S. Sugunan
Son of late Shri P.K. Srinivasan
Aged 51 years
Dy. Armament Supply Officer Grade II
Naval Headquarters
DGAS/West Block No.V,
R.K. Puram, New Delhi-110066.
Residing at D-503, P.V. Hostel,
Lodhi Road, New Delhi-110003.
(By Advocate : Shri S. Sasibushan)Applicant

Versus

Union of India through
The Defence Secretary,
Ministry of Defence,
South Block,
New Delhi-110011.Respondent

ORDER (ORAL)

Shri Justice V.S. Aggarwal, Chairman :

The applicant has been working as Assistant Armament Supply Officer in Naval Armament Depot, Sunabeda situated at Koraput District in the State of Orissa. It is asserted by the applicant that in 1995 some top ranking officers of the administrative authority of the Eastern Naval Command, Visakhapatnam came to know that of certain facts that applicant had sent a report to the Intelligence Bureau and RAW regarding some breach of national security and violation of Official Secret Act, 1923. Subsequently a charge-sheet was issued to the applicant in January, 1994. According to the applicant, the said charge-sheet was quashed by the Cuttack Bench of this Tribunal.

2. According to the applicant, presently another charge-sheet had been issued pertaining to the

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mis-utilising of certain Non-Public Funds maintained at Naval Armament Depot, Sunabeda referred to above.

3. By virtue of the present application, the petitioner/applicant seeks quashing of the same.

4. Learned counsel for the applicant contends:

(a) there is inordinate delay in serving of the charge-sheet to the applicant i.e. almost eight years, (b) at best there is only alleged mis-utilising of Non-Public Funds and that too of a State body, as such the applicant cannot be chargesheeted by the respondents pertaining to the same; and (c) the charge-sheet had been served on the applicant but those other persons involved have been arrayed as witnesses.

5. We have carefully considered the said submissions. At this stage, without dwelling into the array of precedent, we deem it necessary to mention at the threshold that a charge-sheet will be quashed if on the face of it, the same does not disclose any cause. It is apparently illegal or even at the beginning one can come to the conclusion that it is malafide.

6. It is true that if there is an inordinate delay in serving the charge-sheet, the same necessarily should be quashed. This is for the reasons that a stale claim cannot be persisted after a long period. Govt. servant may not be able to defend the same. But delay, by itself subject to just exceptions, would not be a ground to quash the same, if it is explained. In cases of mis-utilisation of Non-Public Funds, necessarily, there would be some



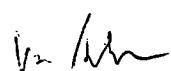
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delay because it takes long time to detect the same. In the present case, the applicant had not asserted that the respondents were duly aware of the fact and intentionally had delayed in serving of the charge-sheet. In the absence of this fact, we deem it unnecessary to deal further into this controversy.

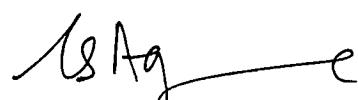
7. Great stress was laid on the fact that Non-Public Funds were of the State Autonomous Body. Treating this assertion of the applicant as correct, for sake of argument, still once the applicant was a Civil Servant and there is such an allegation referred to above, he would be liable for an act unbecoming of a Govt. servant. For the same, respondents should be competent to initiate the disciplinary proceedings.

8. As regards the last contention indicated, at this stage, we deem it unnecessary to initiate any proceedings against the other two witnesses. It is for the respondent to go into the facts and pass appropriate orders in this regard.

9. In totality of the facts, there is no ground to interfere in the matter. OA fails and is accordingly dismissed in limine.



(V. Srikantan)
Member (A)



(V.S. Aggarwal)
Chairman

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