

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.210/00597/2019

Dated this Thursday, the 24th day of October, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)
R.N. SINGH, MEMBER (J)

Shri Anil Kumar Roy, Age 36 years,
 working as MTS in Securities Appellate Tribunal, Mumbai
 and residing at Room No.5254, Block No.143,
 CGS Colony, S.N.Plot, Sector 7, Antop Hill,
 Mumbai 400 037. ... *Applicant*
(By Advocate Shri Vicky Nagrani)

VERSUS

1. Union of India, Through the Secretary,
 Ministry of Finance, (Department of Economic Affairs),
 Capital Market Division, North Block, New Delhi 110 001.
2. The Registrar, Securities Appellate Tribunal,
 14th Floor, Earnest House, Nariman Point,
 Mumbai 400 021. ... *Respondents*

(By Advocate Shri R.R.Shetty)

ORDER (Oral)

Per : R.Vijaykumar, Member (A)

Heard Shri Vicky Nagrani, learned
 counsel for the applicant and Shri
 R.R.Shetty, learned counsel for the
 respondents.

2. This application has been filed on
 22.08.2019 under Section 19 of the
 Administrative Tribunal Act, 1985 seeking
 the following reliefs:

“8(a). This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the Respondents and after examining the same, be pleased to quash and set aside the Memorandum dated 17.07.2019 and 21.08.2019 with all consequential

benefits.

8(b). This Hon'ble Tribunal may further be pleased direct the respondents not to initiate any disciplinary action against the Applicant in case he is insisting to assign only official duties and repudiating to work at the residence of the presiding officer as the same cannot be termed as misconduct.

8(c). This Hon'ble Tribunal may further be pleased to hold and declare that the Applicant cannot be made to work at the Residence of the Presiding Officer and can be assigned any duties which is under the purview of the official duty.

8(d). Costs of the Applicant be provided for.

8(e). Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

3. The applicant has challenged the show cause notice issued by the respondents in their memorandum No. SAT/Admn./P(31)/2007/2019-20/319 dated 17.07.2019 (Annexure A-1).

The show cause notice sets out the facts and issues and the delinquent has been asked to explain why disciplinary action should not be taken against him for alleged misconduct.

4. The learned counsel for the applicant submitted during the hearing that the applicant has responded to the show cause notice and disciplinary proceedings are in progress. In view of this, the relief sought are limited to prayer 8(b) as

reproduced above. Learned counsel further refers to the instructions record in letter at Annexure R-11 of the Department of Economic Affairs dated 29.10.2013, which is reproduced as below:

“I am directed to refer to SAT's letter No.SAT/Admn/PO/P(SO)/2013/638 dated 9th October, 2013 on the subject mentioned above and to convey the approval of the competent authority in the Ministry for engaging two Multi-Tasking Staff on daily wage basis through tender enquiry as per the enclosed terms and conditions. While floating the tender, the relevant instructions may be suitably followed and pre-qualification/evaluation criteria may be duly incorporated in the tender document.”

5. The learned counsel for the applicant interprets this letter to mean that the respondents are compelled by virtue of the above letter to cease from engaging the applicant in any other capacity other than what he claims in his assigned functions. The nature of his request itself suggests that the claims made by him and disputes raised therein are all the subject of disciplinary inquiry which is already in progress and is being conducted by the respondents as admitted based on his reply to the show cause notice. Reading of the above letter also shows that there is no bar on utilizing the currently available Multi

Tasking Staff who are admittedly Multi Tasking Staff and not appointed for any specific task to any duty to which they could be lawfully engaged and this is certainly the case when they are attached in accordance with the rights and privileges of various officers holding assigned posts.

6. In the circumstances, the relief sought by the applicant is based on his own interpretation of his duties and that interpretation itself is now the subject of consideration by the respondents in the course of the disciplinary proceedings including on the aspect of whether such disobedience to perform assigned duty is a violation of the Conduct Rules.

7. In the circumstances, this OA has no merits whatsoever and is dismissed accordingly. No order as to costs.

R.N. Singh
Member (Judicial)

R.Vijaykumar
Member (Administrative)

kmg*

JD
25/10/19