

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.3535/2019

New Delhi, this the 10th day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. Mohd. Jamshed, Member (A)

Pradyumn Pathak,
Aged 28 years,
S/o late sh. Bal Kishan Pathak,
Junior Statistical Officer,
Regional Office, Agra,
Field Operating Division,
National Sample Survey Office,
Ministry of Statistics and Programme Implementation,
64/4, B-Wing, Second Floor, CGO Complex,
Sanjay Place, Agra 282003

Resident of:
Shanta Kunj, Nagla Rambal,
Near Mandi Samiti, Firozabad Road,
Agra-282006
Mobile No.9410409363 - Applicant

(By Advocate: Sh. Prateek Tushaar Mohanty)

Versus

Union of India through
The Chief Statistician of India and Secretary,
Ministry of Statistics and Programme Implementation,
Sardar Patel Bhawan, Parliament Street,
New Delhi-110001 - Respondent

O R D E R (ORAL)

Justice L. Narasimha Reddy:-

The applicant is working as a Junior Statistical Officer in the Ministry of Statistics and Programme Implementation. While he was working at the Regional Office at Agra, he was transferred to Jamnagar through an order dated 24.05.2019. He did not join at that place, inspite of two memos dated 21.06.2019 and 26.08.2019 having been issued to him. The applicant was also placed under suspension through an order dated 05.07.2019. Thereafter the disciplinary proceedings were initiated by issuing a charge memo dated 23.09.2019. The applicant submitted his explanation on 18.10.2019. Thereafter the Disciplinary Authority (DA) passed the order dated 06.11.2019 appointing an Inquiry Officer (IO). This OA is filed, challenging the Charge Memo dated 23.09.2019.

2. The applicant contends that the charge framed against him is factually incorrect and the entire proceedings are vitiated on account of the appointment of the IO without passing a reasoned order after the applicant submitted his explanation. Reliance is

placed upon number of orders passed by this Tribunal in various OAs.

3. We heard Shri Prateek Tushar Mohanty, learned counsel for the applicant, at the stage of admission on 09.12.2019 and today.

4. The basis for initiation of disciplinary proceedings against the applicant seems to be his refusal or failure to report to duty at Jamnagar. The Article of Charge read as under:-

“Shri Pradyumn Pathak, Junior Statistical Officer (JSO) was transferred on administrative requirements from NSSO(FOD), RO Agra to NSSO (FOD), Sub-Regional Office Jamnagar vide this Ministry Order No.11015/01/2018-SSS dated 24.05.2019 and he was also relieved of his duties from NSSO(FOD), RO Agra w.e.f. 24.05.2019 (AN). In utter defiance to the said order and further Memoranda dated 21.06.2019 and dated 26.08.2019 issued to him, Shri Pradyumn Pathak has wilfully not joined at his new place of posting i.e. NSSO (FOD), SRO Jamnagar and is on unauthorized absence since 25.05.2019. By this act of wilful disobedience, impudence, insolence and indiscipline, Shri Pradyumn Pathak has committed gross misconduct of insubordination.

Thus Shri Pradyumn Pathak, Junior Statistical, is charged for insubordination and insincerity in his conduct by showing grossly negligent attitude, which tantamount to lack of devotion to duty and thereby acting in a manner which is unbecoming of a Government servant and violating

the provisions of Rule 3(1)(ii) and (iii) of CCS (Conduct) Rules, 1964. “

5. The applicant was also placed under suspension through an order dated 05.07.2019. It is stated that he filed OA, challenging the order of suspension and the same is pending.

6. It appears that the applicant made a request for a personal hearing while submitting an explanation. That request was acceded to and an order in that behalf was passed on 14.10.2019. Thereafter an IO was appointed on 06.11.2019.

7. The occasion for the Tribunal to interfere with the charge memo arises, if only it is issued by an authority, not vested with the powers or if the charges when taken on the face value, they do not constitute any act of misconduct. Neither of the grounds are pleaded in this case.

8. The bunch of judgments relied upon by the applicant do not have any bearing on these issues. The reliefs in these OAs were granted on facts.

9. One of the contentions vehemently raised by the learned counsel for the applicant is that entire proceedings are vitiated since the appointment of IO by the DA is not preceded by a speaking order dealing with the contentions raised in the explanation. We do not find support for this from Rule 14 of the CCS (CCA) Rules or from any other provisions. In none of the decisions cited by the applicant, there is a proposition of law to that effect. Further, the appointment of the IO is not challenged in this OA. Even if there is any defect in the appointment of IO, it is just understandable as to how the charge memo gets vitiated on account of that.

10. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice

L. Narasimha
Chairman

Reddy)

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