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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 182/2017

A.K. SINGH

..... Petitioner

Through: Dr. Sumant Bhardwaj, Advocate

versus

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES &
PENSIONS & ANR

..... Respondents

Through: Mr. B.S. Shukla, CGSC

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

22.03.2017

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A limited issue arises for consideration in this writ petition.

2. The petitioner, A.K. Singh, had filed OA No.2828/2015 before the Principal Bench of the Central Administrative Tribunal, New Delhi for direction to the respondents to drop the inquiry proceedings, with all consequential benefits. The other prayers made were to quash and set aside the Memorandum, i.e., the Chargesheet dated 31.1.2014 and setting aside the order dated 22.4.2015.

3. The petitioner was working as Senior Public Prosecutor in CBI and was associated with 2G Spectrum case. The Chargesheet/Memorandum dated 31.1.2014 refers to allegations against him that he had connived with

one of the accused in the said case. The Tribunal, in the impugned order, has dealt with the contention regarding non-approval of the chargesheet by a competent authority, in terms of Rule 14(3) of Central Civil Services (Classification, Control & Appeal) Rules, 1965 and has opined that the competent authority had indeed granted approval to the chargesheet dt. 18.1.2014/24.1.2014. To this extent, there is no dispute and challenge has not been made.

4. The petitioner's contention is that vide order dated 22.4.2015, his statement of defence has not been taken on record. We may note that the Tribunal, in the impugned order, had examined the question of supply of additional documents. The Tribunal did not agree with the contentions raised by the petitioner, stating that the application for supply of additional documents was without delineating the documents, of which inspection or copies were required.

5. Turning to the question of the order dated 22.4.2015, we would like to reproduce the same:

“Whereas, with the approval of Disciplinary authority charge-sheet was issued to Shri A.K. Singh, Sr.PP/CBI on 31/01/2014. In the Charge-sheet Shri Singh was clearly directed to submit within 10 days of the receipt of the memorandum a written statement of defence and also to state whether he desires to be heard in person.

Whereas Since Shri A.K. Singh was given a number of opportunities for submission of his written statement of defence to the Charge-sheet served on him, but no avail. Therefore, IO and PO were appointed vide order dated 22.09.2014.

Whereas Shri. A.K. Singh has subsequently submitted a representation-cum-defence statement dated 05.11.2014.

Since IO and PO have been appointed and the Inquiry has also been initiated, the representation cum Defence Statement of Shri A.K. Singh, Sr. PP, cannot be entertained at this stage. A copy of the same is however sent to the IO for records. The representation cum defence statement dated 05.11.2014 by Sh. A.K. Singh is hereby disposed off.”

6. Learned counsel for the respondents states that he has obtained instructions, in terms of the order dated 18.1.2017 passed by us. He submits that, as per the order dated 22.4.2015, the Presiding Officer and the Inquiry Officer were appointed on 22.9.2014, whereas the representation-cum-defence statement was filed on 5.11.2014. In these circumstances, as the Presiding Officer and the Inquiry Officer had already been appointed, there was no need to recall or go back in the point of time. The representation-cum-defence statement given by the petitioner was, therefore, not entertained at that stage. However, a copy of the same was sent to the Inquiry Officer for records.

7. According to us, it is clear that the petitioner would be entitled to raise all defences which are available to him in law and the order dated 22.04.2015 does not foreclose his rights. Indeed the petitioner would be

entitled to participate in the disciplinary proceedings, and raise and rely on his defence.

8. In view of the aforesaid position and the directions contained in the impugned order dated 09.05.2016, we do not find any order or direction is required to be passed in the present writ petition. The writ petition is disposed of with no order as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MARCH 22, 2017

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