



2024:DHC:9705-DB



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

+ LPA 1203/2024

RANANJAY PRATAP SINGHAppellant

Through: Mr. Praveen Swarup, Adv.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Amit Tiwari, CGSC for
UOI with Mr. Himanshu Bidhuri, GP and
Mr. Ayush Tanwar, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

JUDGMENT (ORAL)

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13.12.2024

C. HARI SHANKAR, J.

CM APPL. 73032/2024 (Exemption)

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

**CM APPL. 73033/2024 (condonation of delay of 36 days in filing
the appeal)**

3. For the reasons stated therein, the delay is condoned.



4. The application is allowed.

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5. The judgment of the learned Single Judge of this Court dated 11 September 2024, under challenge in this Letters Patent Appeal, relegates the petitioner to institute an application under Section 14(1)¹ of the Administrative Tribunals Act, 1985² before the Central Administrative Tribunal³, taking a view that the grievance of the appellant before is pure service matter which falls within the jurisdiction of Section 14 and that, therefore, in view of the judgment of seven Judge Bench of the Supreme Court in *L Chandra Kumar v UOI*⁴, there is an absolute proscription against this Court taking as a court of first instance in such matters.

¹ 14. **Jurisdiction, powers and authority of the Central Administrative Tribunal. –**

(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to—

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning—

(i) a member of any All-India Service; or

(ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence,

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation or society owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation or society or other body, at the disposal of the Central Government for such appointment.

Explanation. – For the removal of doubts, it is hereby declared that references to “Union” in this sub-section shall be construed as including references also to a Union Territory.

² “the AT Act” hereinafter

³ “the Tribunal” hereinafter



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6. We have heard Mr. Praveen Swarup, learned Counsel for the appellant.

7. Mr. Swarup submits that, as he had sought initiation of action against his superior officer, which cannot be granted by the Tribunal, the learned Single Judge was in error in relegating the petitioner to the Tribunal.

8. There are two reasons why we are not inclined to accept this submission.

9. Firstly, there is no proscription, in the 1985 Act, against the Tribunal granting the relief sought by the appellant. In a case where a superior officer has victimised a junior officer with respect to service conditions of the junior officer, and the officer concerned and the establishment concerned fall within the peripheries of Section 14 of the 1985 Act, the Tribunal is well within its jurisdiction to take action against the former. ***L Chandra Kumar*** has clarified, beyond doubt, that the Tribunal exercises all powers which can be exercised by a writ court, including the power to strike down the *vires* of legislations, except the AT Act itself, as the Tribunal is a creature of the AT Act.

10. Secondly, if such a procedure is permitted, it would provide a *carte blanche* for any government servant, too, to ventilate his grievance regarding service dispute directly before this Court, bypassing the remedy of the Tribunal, by merely seeking that action



be initiated against the officers who have victimised him. That would amount to an affront to the law laid down by the Supreme Court in *L Chandra Kumar*.

11. Apropos the submissions of Mr. Swarup, the learned Single Judge has, observed in para 6, thus:

“6. In my view, the apprehension is misfounded for the reason that all the prayers are interconnected to the substantive relief claimed by the Petitioner assailing the placement of his name in the Agreed List on account of an allegation that his conduct was violative of CCS (Conduct) Rules, 1964 and therefore, in my view, the Tribunal has the power to entertain prayers I and II as well. In fact, I may pen down that in *L. Chandra Kumar (supra)*, the Supreme Court has observed that the Tribunal has powers even to test the vires of subordinate legislations, save and except, the vires of the parent statute under which it is created.”

12. Before closing this order, we deem it appropriate to reproduce the synopsis filed with writ petition, *in extenso*, as it clearly indicates that the grievance of the appellant is a pure service matter with respect to his conditions of service:

“On the basis of CPGRAMS bearing number CBOEC/B/2020/02756 dated 02.07.2020 & CBOEC/E/2020/02807 dated 04.07.2020 (unduly being given colour of Complaints) received by Respondent No. 02, and forwarded to Respondent No. 07 (the then Disciplinary Authority), a Preliminary Inquiry against the Petitioner was initiated by Respondent No. 06 (the Administrative Authority) under a reference. Here, it is pertinent to mention that Centralized Public Grievance Redress and Monitoring System (CPGRAMS) is an online platform available to the citizens 24x7 to lodge their grievances to the public authorities on any subject related to service delivery (emphasis supplied). The subject matter of the Preliminary Inquiry, however, is not covered under the CPGRAMS. This Preliminary Inquiry suffers from manifest and fundamental errors as the Petitioner was never informed or provided with the alleged Complaint or the contents of the alleged Complaint despite repetitive formal official communications for more than 3 years. It is respectfully submitted that the so-called



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Preliminary Inquiry on the very face of it appears to be motivated and malafide because of serious legal infirmities like non-verification of the alleged CPGRAMS, non-sharing of contents of the alleged CPGRAMS with the Petitioner,- non-sharing of Preliminary Enquiry Report with the Petitioner, non-recording of version of the Petitioner, non-application of mind by the authorities concerned including Respondent No. 05, 06, 07 & 08, undue & unjustified delay in handling of the case against the extant instructions of DoPT as well as CVC, non-communication with the Petitioner for more than 02 years by the Department, non-applicability of Prevention of Corruption Act, 1988 for want of financial aid & assistance from the Government to the Service Association (Employee's Union), action by the Department in absolute contravention of DoPT OM 18.10.2013 & 28.09.2022, and CVC OM dated 19.04.2021, Office Order dated 21.12.2005, Circular 24.09.2020 etc. Further, due to this illegal and unlawful Preliminary Inquiry, the Petitioner is not only being harassed, and denied his due benefits like Reward, Sensitive Charge' etc., but also being penalized by way of inclusion of his name in the Agreed List. Even the supervisory authorities like Respondent No. 02, 03 & 04 have failed to give categorical directions to Respondent No. 05, 06, 07 & 08 to close the instant matter devoid of any merit. When all means of securing attention towards the grievances and its redressal could not yield any result for over 02 years, the Petitioner filed RTI Applications on 31.07.2022 & 07.08.2022 to seek information. Again, the Petitioner was denied the information on flimsy grounds, and higher authorities (FAA) also supported the stand taken by the Respondent No. 13. The Petitioner then approached the Central Information Commission, New Delhi which did not decide the Second Appeal on merits, and casually disposed of the same in arbitrary manner while ignoring the provisions under Sections 18, 19 & 20 of the RTI Act, 2005. On being pointed out regarding the repeated use of derogatory & defamatory words against the Petitioner by the Respondent No. 13, the Central Information Commission, New Delhi did not impose any Penalty but only cautioned Respondent No. 13. This action of Central Information Commission, New Delhi is hit by various provisions under Section 18, 19 & 20 of the RTI Act, 2005. The Petitioner then submitted a request to Central Information Commission, New Delhi for initiating penal action under Section 191 of Indian Penal Code, 1860 read with Section 340 of Code of Criminal Procedure, 1973 against Respondent No. 13 for making false statements before a quasi-judicial forum, however no action has been taken so far. Meanwhile, for the second consecutive year, the Petitioner was denied Sensitive Charge. The reason for such an adverse action was the arbitrary, wrongful & malafide inclusion of the Petitioner in the Agreed List by the Respondent No. 05 without any such recommendation from the Respondent No. 08 (the then

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Disciplinary Authority) in F.Y. 2022-23, and continuation against the strong recommendation of the Respondent No. 08 (incumbent Disciplinary Authority) in F.Y. 2023-24. In order to fetch the reasons for such inclusion in the Agreed List, the Petitioner filed an RTI Application on 24.09.2023 citing the life & liberty clause wherein the information is provided within 48 hours. As expected, the Respondent No. 14 who processed First Stage Advice & tendered Negative Report for removal of name of the Petitioner from Agreed Lists did not provide a single information under cover of Exemption Clauses like Section 8(1)(h) & 24 of the RTI Act, 2005. Although, the Respondent No. 03 as an organization does not find a place in Schedule II of the list of Exempted Organizations, the Respondent No. 14 arbitrarily, wrongfully, & maliciously resorted to Section 24 under the cover of secrecy & confidentiality of Agreed Lists. The Petitioner made an online Complaint before the Central Information Commission, New Delhi on 22.10.2023, however the same has not been heard till date. First Appeal filed on 15.10.2023 before the Respondent No. 05 has also been rejected on arbitrary, whimsical, flimsy & malafide grounds. It is learnt that Respondent No. 05, faced with repeated RTI Applications/Appeals/Complaint being filed by the Petitioner, have decided to punish the Petitioner in relation to the aforesaid non-verified CPGRAMS (unduly being given colour of Complaints), of which neither contents nor Preliminary Enquiry Report have been shared with the Petitioner till date despite passing of more than 03 years. On the one hand, the authorities concerned like the Respondent No. 05, 06, 07 & 08 have been taking adverse actions without following Principles of Natural Justice, on the other hand, the same authorities concerned are passing arbitrary, whimsical, flimsy & malafide orders as CPIO under the RTI Act, 2005. The Central Information Commission, New Delhi has also failed to correct the erroneous Orders passed by the Respondent No. 13 & 14 under the RTI Act, 2005. The Petitioner has approached this Hon'ble Court seeking relief under a Writ Petition (Civil) No. 1647/2024 against the act/omissions of Central Information Commission, New Delhi and the CPIOs concerned. It is pertinent to mention that Respondent No. 03 carried out case wise physical inspection of the vigilance inquiries/investigations pending at Respondent No. 05 on 12th October, 2023 but failed to give categorical direction to close the instant matter devoid of any merit. In the name of conducting inquiry/investigation, the officials concerned like Respondent No. 10, 11-& 12 attempted their level best to somehow justify & legalize the grossly illegal, motivated' & malicious actions initiated by Respondent No. 09 against the Petitioner by manipulating the alleged CPGRAMS (actually a Grievance Document, being wrongly referred to as 'Complaint'), and abetting the so called 'Conscience Keeper of the Society' in a matter devoid of any merits i.e. (1) no loss to Govt. Exchequer; (2)

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not covered under PC Act, 1988; (3) no breach of official duties & responsibilities; and (4) no violation of CCS (Conduct) Rules, 1964. It is pertinent to mention that the Petitioner has successfully been able to prove the grudges (as evidenced by documents) of Respondent No. 09 against him before the legal & constitutional forum." Respondent No. 13, 14, 15, 16 & 17 who were supposed & duty bound to place facts before the authorities concerned empowered to take decisions, and to carry out verification of the CPGRAMS (unduly being given colour of Complaints) manipulated the matter adversely affecting the career prospects of the Petitioner. The Petitioner being faced with adverse actions for nearly 04 years on unlawful, wrongful, arbitrary, flimsy, and malafide grounds is not being shared even the basic information about the reasons for such actions by the Respondents."

13. In view of the judgment of the Supreme Court in *L Chandra Kumar*, we feel that the learned Single is correct in her view that the appellant would have to agitate his grievance before the Tribunal.

14. The appeal is accordingly dismissed in *limine*.

C.HARI SHANKAR, J

ANOOP KUMAR MENDIRATTA, J

DECEMBER 13, 2024

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Click here to check corrigendum, if any