
(2020) 10 CAT CK 0151

In the Central Administrative Tribunal

Case No : Original Application No. 259 Of 2020, Miscellaneous Application No. 337, 1166 Of 2020

Dr. Vijender Kumar

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 22-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0151

Hon'ble Judges : L. Narasimha Reddy, J; Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Rakesh Malhotra, Gyanendra Singh

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Senior Chief Medical Officer in Central Health Service (CHS). Upto December, 2019, he was working in the

establishment at the Parliament House. Through order dated 16.12.2019, he was transferred to a hospital at Naraina, New Delhi. The applicant was

also issued a notice dated 07.01.2020 by the Complaints Committee of ACC, alleging acts of sexual harassment, against a woman employee. This

O.A. is filed challenging the order of transfer dated 16.12.2019 and the notice dated 07.01.2020.

2. The applicant has raised several grounds in his challenge to the proceedings referred to above, including the notice dated 07.01.2020. According to

him, the authority, who issued the order, is not competent to do so.

3. The respondents filed a detailed counter affidavit denying the contentions. On his part, the applicant filed a rejoinder, together with certain M.As.

4. We heard Mr. Rakesh Malhotra, learned counsel for applicant and Mr. Gyanendra Singh, learned counsel for respondents, at length, through vid eo conferencing.

5. The applicant has raised several contentions in challenge to the order of transfer dated 16.12.2019, including the one of mala fide. However, the necessity for us to deal with the same is obviated on account of the fact that the applicant has since joined the place, to which he has been transferred. Therefore, the challenge to the order of transfer dated 16.12.2019 has become infructuous.

6. So far as the challenge to notice dated 07.01.2020 is concerned, the ground pleaded by the applicant is that the constitution of ACC was not proper.

However, we do not find any such contention in the O.A. Obviously the respondents would also not be in a position to meet the same. Added to that, several developments have taken place during the pendency of the O.A., including the one of sub mission of report by the ACC. The applicant, if so advised, can pursue the remedy by separate set of proceedings, in accordance with law.

7. We, therefore, dispose of the O.A. giving liberty to the applicant to avail the remedy in accordance with rules in case any specific order is passed on the allegation of sexual harassment against woman employee.

8. All the M.As. shall stand disposed of.

Â Â There shall be no order as to costs.