
(2022) 09 CAT CK 0053

In the Central Administrative Tribunal

Case No : Original Application No. 730 Of 2021, Miscellaneous Appeal No. 2571 Of 2021

Jasveer Singh, (Group-A)

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 30-09-2022

Acts Referred:

Central Civil Services (Classification, Control And Appeal) Rules, 1965 — Rule 14
Central Civil Services (Conduct) Rules, 1964 — Rule 3(1)(i), 3(1)(ii), 3(1)(iii)

Citation : (2022) 09 CAT CK 0053

Hon'ble Judges : Ranjit Vasantrao More, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Shivanshu Bhardwaj, Karan Gautam

Final Decision : Dismissed

Judgement

Mohd. Jamshed, Member(A)

1. The applicant joined the Border Security Force (BSF) as Sub-Inspector in 1991. He joined the National Investigation Agency (NIA), i.e. respondent No.2, on 01.12.2010 on deputation as Inspector. He was subsequently promoted as Assistant Commandant (Deputy Superintendent of Police) in his parent cadre, i.e. BSF, on 25.05.2011. He was promoted as Deputy SP in NIA on 03.01.2014 and thereafter absorbed in NIA as Deputy SP on 05.05.2015. It is submitted that respondent No.2 vide letter dated 09.11.2018 sought approval of respondent No.1 to hold an enquiry against the applicant under Rule 14 of CCS (CCA) Rules, 1965 for major penalty, without considering the explanation of the applicant. His explanation was sought on 18.01.2019, which was replied by the applicant on 31.01.2019, along with the request to supply him the copies of the relied upon documents. A further explanation was submitted by the applicant on 28.03.2019. He also made representation with regard to his impending promotion to the post of Additional SP. The DPC constituted to consider the officers for promotion to the rank of Additional SP in NIA, which was scheduled to be convened on

19.05.2020, was postponed and a charge memorandum dated 22.09.2020 was issued to the applicant for alleged lapses which took place in the year 2018. The applicant submits that the meeting of the DPC was rescheduled to be held on 23.10.2020, whereas the same was earlier scheduled to be held on 21.09.2020, which indicates that the DPC was rescheduled with mala fide intention on the part of the respondents to enable them to issue charge memorandum to him before the DPC is convened. The applicant further submits that the proposal for his promotion was kept in sealed cover in view of the charge memorandum issued to him after a delay of over two years and is, therefore, done deliberately by the respondents to deny him the promotion. By filing the present O.A., the applicant is seeking the following relief(s):

“(a) To issue a direction commanding the respondents to produce the record of the DPC dated 23.10.2020 held for promotion to the post of Additional SP and to issue a direction quashing the sealed cover applied by the respondents to the recommendation of DPC qua the promotion of the applicant and to issue a further direction commanding the respondents to give promotion to the applicant as Additional SP w.e.f. the date of promotion of his junior with all consequential benefits.

(b) To call for records and issue order, direction quashing and setting aside the Memorandum No.45021/17/2018-NIA, Articles of Charge and Imputation of Misconduct (all dated 22.09.2020) (Annexure P-14) and consequent proceedings arising therefrom being illegal, unfair, biased, prejudicial and violative of principles of natural justice”.

2. As the relief at (a) above is consequential to the relief sought in (b) above, the applicant's contention is that the charge memorandum dated 22.09.2020 be quashed and set aside being illegal, unfair, biased, pre-judicial and violative of principles of natural justice. It is also the contention of the applicant that the said charge memorandum has been issued after substantial delay with mala fide intention to deny him the promotion. The charges levelled against him are of a trivial nature for which detailed explanation was given by him and that no action has been taken for similar violations against other staff/officers. It is also submitted that the charging of excess T.A. amount on its own cannot be construed as misconduct.

3. The applicant, in support of his contention, has relied upon a catena of judgments, which are listed as under:

(i) P.V. Mahadevan Vs. MD, T.N. Housing Board, (2005) 6 SCC 636.

(ii) Man Singh Vs. State of Haryana and Others, (2008) 12 SCC 331.

(iii) Rajendra Yadav Vs. State of Madhya Pradesh and Others, (2013) 3 SCC 73.

(iv) Writ Petition (C) No.7914/2009 decided on 10.07.2009 titled as Union of India & Anr. Vs. Vineet Ohri.

(v) Virender Singh Chankot Vs. Union of India, 2019 SCC Online Del 11498.

(vi) Writ Petition (C) No.629/2014 decided on 14.10.2014 titled as Union Public Service Commission Vs. Smt. Renuka Tyagi.

(vii) Writ Petition No.10564/2019 decided on 08.03.2021 titled as Dr. Kiran Gupta Vs. The University of Delhi and Others.

(viii) Than Singh Vs. Union of India and Others, (2003) 104 DLT 25 (DB).

(ix) State Bank of India Vs. Shri P.N. Saluja, 2013 SCC Online Del 4743.

4. The respondents have filed a counter affidavit opposing the O.A. It is submitted that the said charge memorandum has been issued to the applicant after conducting Preliminary Enquiry in accordance with law and as per the laid down procedure. It is only at the stage of enquiry and on the conclusion of the same, the Disciplinary Authority has to take a final view. At present, no cause of action exists for the applicant, as no adverse action has yet been initiated against him. It is also submitted that there is no mala fide on the part of the respondents as the case of the applicant was also considered along with two other officers for promotion as Additional SP and, in fact, the respondents had sought relaxation in the eligibility in the case of the applicant and others. As per the procedure, in view of the pending disciplinary proceedings, the applicant's case has been kept in sealed cover and the same shall be opened on conclusion of the same. It is also stated that the charges framed are on the basis of a PE, reasonable opportunities are being provided to the applicant and that the charge memorandum has been issued after obtaining the advice of the CVC. It is further submitted that the present O.A. is premature. There being no cause of action, the same is liable to be dismissed.

5. Heard Mr. Shivanshu Bhardwaj, learned counsel for the applicant and Mr. Manish Kumar, learned counsel for the respondents; and perused the pleadings and judgments on record.

6. Learned counsel for the applicant has vehemently challenged the allegations listed as part of the charge memorandum and submitted that the charges levelled against the applicant are contrary to the facts. The charge memorandum itself has been issued with mala fide intention, just before holding of the DPC to deny him the promotion as Additional SP. It is further submitted that the applicant has not indulged in any financial irregularity and his stay in hotel for certain specified period is work related and thereby cannot be unauthorised. He has also submitted that there are other officers who have also claimed similar TA reimbursements and no action has been taken against them. He has relied upon a catena of abovementioned judgments in support of his arguments. We have considered all the judgments relied upon by the applicant and find that the facts of those are distinguishable from the facts of the present O.A.

7. Learned counsel for the respondents has specifically drawn our attention to the sequence of events which led to issuance of the charge memorandum and

categorically submitted that as held by the Hon^{ble} Apex Court in a catena of judgments, the issuance of charge memorandum is no cause of action and the allegations therein cannot be the subject matter of discussion in a writ petition, as the disciplinary proceedings have not yet concluded. Reasonable opportunities are being provided to the applicant during the enquiry. It is also stated that the DPC for promotion from Deputy SP to Additional SP has been conducted in which the applicant's case was also considered. However, the same has been kept in sealed cover as per the extant rules, in view of the ongoing disciplinary proceedings against him. They have also relied upon the judgments of the Hon^{ble} Apex Court and also recent orders of this Tribunal in O.A. No. 1895/2018 decided on 20.04.2022 and in O.A. No. 643/2021 decided on 27.04.2022, wherein it was held that mere issuance of a charge sheet and enquiry is ordinarily no cause of action for judicial review by the Courts or Tribunals.

8. The applicant joined BSF in 1991 as Sub Inspector and was subsequently recruited in the NIA on the post of Inspector on 01.12.2010 on deputation basis. He was promoted as Deputy SP w.e.f. 03.01.2014 and thereafter absorbed as Deputy SP in the NIA w.e.f. 05.05.2015. On the basis of a source information received by the respondent No.2 in July, 2018, investigations were conducted against the applicant for alleged financial impropriety and misconduct. During this discreet enquiry conducted by the respondents, certain other facts also came to the notice including the applicant's stay in a hotel at Dimapur and for false claims even for the period when he did not stay in the said hotel. Subsequent to this, a PE was conducted by the respondents on the allegations of acts of omissions, which amount to misconduct in respect of the applicant in discharge of his official duties with dishonest motive by submitting false tour travelling allowance claims and for drawing Government money from treasury through reimbursement by submitting false travelling allowance claims for different periods from 29.11.2017 onwards till 01.06.2018 while he was posted with NIA, Guwahati and NIA, Headquarters. In the PE, it is concluded that both the allegations levelled against the applicant were found to be prima facie true.

9. Accordingly, the respondent No.2 submitted a proposal to respondent No.1 on 09.11.2018 for initiation of disciplinary action against the applicant under Rule 14 Central Civil Service (Classification, Control and Appeal) Rules, 1965. Explanation of the applicant was also sought intimating the proposed allegations. The applicant finally submitted his explanation on 28.03.2019 denying the allegations against him. Since the case against him had vigilance angle being a Group 'A' officer, his case was referred by respondent No.1 to CVC on 10.07.2020, seeking its 1st stage advice for initiation of disciplinary proceedings. The CVC vide its letter dated 03.09.2020, advised to initiate major penalty proceedings against the applicant and, accordingly, charge memorandum dated 22.09.2020 was issued against the applicant and served upon him on 06.10.2020. In his representation on the charge memorandum, the applicant denied the charges.

10. An Inquiry Officer was appointed by the respondent No.1 on 17.11.2020. The disciplinary proceedings are in progress. It is also noted that in the meanwhile the respondents undertook the exercise for promotion of Deputy SPs to Additional SPs. It is on record that certain relaxation was also asked by respondent No.2 in the eligibility service by a few months in relation to three eligible officers including the applicant, and the same was accorded by the respondent No.1. DPC was constituted for considering the candidature of the eligible Deputy SPs for promotion to the post of Additional SPs, including the applicant. The vigilance clearance/integrity certificate was also issued by the CVO, NIA in respect of the eligible officers. The said certificate noted as under:

"A Memorandum has been issued by MHA vide No.45021/17/2018/NIA dated 22.09.2020 for initiation of major penalty proceedings under Rule 14 of CCS (CCA) Rules 1965 against Shri Jasveer Singh DSP."

The DPC considered all eligible candidates including the applicant and in view of the disciplinary proceedings pending against the applicant, the findings of the DPC in his respect were kept in sealed cover in terms of the extant rules.

11. We have also perused the impugned charge memorandum dated 22.09.2020. The imputation of misconduct in respect of articles of charge framed against the applicant are as under:

"Article I

The responsibility to submit the Correct travelling allowance claims for reimbursement lies upon Shri Jasveer Singh DSP who is Group ?Á? Government officer having sufficient experience and more than 30 years of service from whom it was expected to be a professional in rules/regulations on this subject. Shri Jasveer Singh DSP had wilfully and with dishonest motive submitted untenable self-declaration and accommodation bill of Hotel in travelling allowance claims for official tour with dishonest motive as under:-

i) In the TA clam for the official tour pertaining to period from 22.05.2018 to 01.06.2018 submitted by Shri Jasveer Singh DSP, for getting its reimbursement, he has self-certified in tour accommodation certificate that he stayed from 22/05/2018 to 25/05/2018 at NIA Guest House, Games Village, Guwahati and 25.05.2018 to 01.06.2018 at Europa Inn Hotel, Dimapur and produced Room Bill No. 3472 for Rs.15680/- of Hotel Europa Inn, Dimapur in its support with TA claim showing arrival date in hotel on 25/05/18 at 4:30 PM and departure date & time from the hotel are 01/06/18, 11:45 AM. In contrary to above TA claim, Shri Jasveer Singh, DSP stayed at Guest House and Family Welfare Centre, Games village, Guwahati from 22.05.2018 to 24.05.2018 and 26,05.2018 to 29.05.2018. Shri Jasveer Singh, DSP submitted false self-certified tour accommodation certificate showing stay period 26/05/18 to 01/08/18 at hotel Europa Inn, Dimapur and also submitted false Europa Inn hotel bill Dimapur from he period 26/05/18 to 29/05/18 Europa Inn, Dimapur with the TA claim mentioning stay period at Europa Inn Hotel, Dimapur. In above official tour

pertaining to period from 22.05.2018 to 01.06.18 he got travelling allowance reimbursement of Rs. 15,680/- on account of accommodation charges (out of total reimbursement of Rs 26,459/-) vide bill No.825-DTE-2018-19 dated 11/06/18 by submitting false travelling allowance claim of that period in which period of stay as mentioned in tour accommodation certificate and Hotel Europa Inn, Dimapur bill No.3472 are not sustainable.

ii) In the travelling allowance claim for the period from 29.11.2017 to 04.12.2017, Shri Jasveer Singh, DSP has produced Hotel Europa Inn, Dimapur bill No. 2140 claiming of Rs. 2240/- for stayed one day at Europa Inn Hotel, Dimapur on 03.12.2017 [03.12.2017 06:12 PM to 04.12.2017 07:07 AM] whereas the actual payment made by Shri Jasveer Singh DSP against the accommodation charges vide hotel Bill No. 2140 as per hotel computer records was: Rs.1680/-. He drew excess amount of Rs.560/-(out of total reimbursement of Rs.11,640/-) vide bill No.172/17-18 dated 28/03/18 with dishonest motive against the actual payment on account of accommodation charges and failed to submit correct and actual payment accommodation charges for reimbursement of travelling allowance claim.

iii) In the TA bill for the period from 12.02.2018 to 15.02.2018 Shri Jasveer Singh, DSP has claimed that he stayed at Europa Inn Hotel, Dimapur for one day on 14.02.2018 (from 14.02.2018 06:12 PM to 15.02.2018 09:00 AM) and submitted Room bill No. 2661 for Rs. 2240/- whereas hotel computer record shows that the amount of Room Bill No. 2681 i.e. Rs.1344/- only. The payment receipt and room bill No.2661 sustained that only Rs.1344/- was paid. The Hotel records Room Bill No.2661 and Room Bill submitted with travelling allowance claim by Shri Jasveer Singh DSP are not identical in looking. Thus, he draw excess amount of Rs.896/- (out of total reimbursement of Rs. 7,240/-) vide bill No.473/17-18 dated 29/03/18 with dishonest motive against the actual payment on account of accommodation charges and failed to submit correct and actual payment accommodation charges for reimbursement of travelling allowance claim.

iv) In the TA claim for the period from 23.03.2018 to 28.03.2018, Shri Jasveer Singh, DSP has claimed that he stayed at Europa Inn Hotel, Dimapur for 2 days i.e. from 23.03.2018; 05:28 PM to 25.03.2018; 11:20 AM and submitted Room bill No. 2972 for Rs.4480/ and got Rs.4480/-through reimbursement whereas Hotel Bill No. 2972 was amounting to Rs. 1344, as per the Hotel record does not reflect the name of Mr. Jasveer Singh, DSP rather it reflects the name of "Mr. Pusato Icho", Thus, he drew excess amount of Rs.4,480/- (out of total reimbursement of Rs 12,130/-) vide bill No.75/18-19 dated 25/05/18 with dishonest motive against the actual payment on account of accommodation charges and failed to submit correct and actual payment accommodation charges for reimbursement of travelling allowance claim.

Thus the said Shri Jasveer Singh, Deputy Superintendent of Police, failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming

of a Government servant and thereby violated the provisions contained in Rule 3(1)(i), 3(1)(ii) & 3(1)(iii) of CCS (Conduct) Rules, 1964.

Article II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri Jasveer Singh DSP Is also found prima facie default which amount to misconduct in the discharging of official duties by drawing of Government's money from treasury amounting to Rs. 57,469/- through reimbursement by submitting self-declaration and false accommodation bill of Hotel in travelling allowance claims for reimbursement resulting misappropriation of Government money of Rs. 21,616/ (out of total reimbursement of Rs. 57,469/-) by way of raising of amount in hotel bill, subsequent submitting false hotel bill against the actual payment made to the hotel authority and got reimbursement official tour resulting loss to Government exchequer as in relation of the allegation No.1 as under:-

Sl. No.

Period of Official Tour

Bill No. date

Amount of Bill passed in Rs.

Amount of misappropriation in Rs.

01

22/05/18 to 01/06/18

825/DTE/ 2018-19 dated 11/06/18

26,459/-

15,680/-

02

29/11/17 to 04/12/17

172/17-18 dated 29/03/18

11,640/-

560/-

03

12/02/18 to 15/02/18

473/17-18 dated 29/03/18

7,240/-

896/-

04

23/03/18 to 28/03/18

75/18-19 dated 25/05/18

12,130/-

4,480/-

Total Rs.

57,569/-

21,616/-

Thus the said, Shri Jasveer Singh, Deputy Superintendent of Police, failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant and thereby violated the provisions contained in Rule 3(1)(i), 3(1)(ii) & 3 (1)(iii) of CCS (Conduct) Rules, 1964."

12. List of the documents has also been furnished by which the articles of charge framed against the applicant are proposed to be sustained along with the list of 12 witnesses. The abovementioned charges indicate that the applicant has, on a number of occasions for different periods, submitted allegedly false claims and thereby misappropriated Government money. There are allegations also of not staying in the said hotel, but claiming the room charges for the same. We would not like to go into the detailed allegations, as the same have been provided in the charge memorandum alleging that the applicant has wilfully and with dishonest motive submitted untenable self declaration and accommodation bill of hotels in travelling allowance claims for official tour and thereby failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant. Followed by this charge memorandum, the disciplinary proceedings are underway and on conclusion of the same, the Disciplinary Authority has to take a final view.

13. Learned counsel for the applicant argued that the charge memorandum was issued to the applicant without any past investigation and just prior to the DPC with mala fide intention. It is, however, evident from the records that there is no sudden issuance of a charge memorandum by the respondents, as alleged by the applicant, as the investigations into various allegations against the applicant had started as long back as in July, 2018 through the discreet enquiry and, thereafter, a Preliminary Enquiry was conducted by the respondents, which took into account various alleged irregularities committed by him during 2017 and 2018. In the PE, it was confirmed that the allegations have been found to be prima facie true and subsequently the respondents in consultation with CVC issued a major penalty charge memorandum to him, after obtaining his explanation on 23.03.2019. It was further claimed by the applicant that he was

granted vigilance clearance before the said DPC vide letter dated 20.04.2020 issued by the SP, NIA Kochi. It was clearly mentioned in the letter dated 20.04.2020 that no DE/PE is pending or being contemplated against Shri Jasveer Singh, Dy. SP, NIA B.O. Kochi for his duties at NIA Branch Office, Kochi from 01.08.2018 till date. It is a fact that this vigilance clearance was given in favour of the applicant, however, the same pertains to the period when he was posted in NIA, Kochi w.e.f. 01.08.2018 to the date of issuance of the said certificate. The charge memorandum alleging false claim of TA, however, pertains to various periods during 2017 and 2018 while the applicant was posted at NIA, Guwahati or NIA, Headquarters and not the period when he was posted at NIA, Kochi and, therefore, the claim that he was granted vigilance clearance and should have been considered for DPC is not sustainable. The Chief Vigilance Officer, NIA had issued a certificate before the DPC indicating that a charge memorandum had been issued by MHA dated 22.09.2020 for initiation of major penalty proceedings against the applicant.

14. The charges levelled against the applicant are a matter of detailed investigation during the enquiry. The contention of the applicant that for similar lapses no action has been initiated against a few other officers, is not tenable as that would be akin to parity in negative. What action is being contemplated or not contemplated against other erring officials is to be decided by the respondents. The respondents' counsel did mention that disciplinary action is initiated for various lapses as and when such matters come to the notice and after elaborate investigations. The charges levelled against the applicant are for different periods and it is upto the Inquiry Officer to ascertain the documents, submissions and the evidence. The applicant is being provided reasonable opportunities to defend his case and the case of his promotion has been kept in sealed cover as per the extant procedure. This also brings us to the law laid down and relied upon by the applicant in *Than Singh vs. Union of India and Others* by the Hon'ble High Court of Delhi, wherein it is clearly held that there are various grounds upon which the correctness or otherwise of the charge sheet can be questioned. These are as under:

- (i) If it is not in conformity with law.
- (ii) If it discloses bias or pre-judgment of the guilt of the charged employee.
- (iii) There is non-application of mind in issuing the charge-sheet.
- (iv) If it does not disclose any misconduct.
- (v) If it is vague.
- (vi) If it is based on stale allegations.
- (vii) If it is issued mala fide.

We do not find that any of the abovementioned ground is applicable in the present case.

15. The present O.A. primarily challenged the charge memorandum. The law is well settled by the Hon^{ble} Supreme Court in Civil Appeal No. 2333 of 2007 titled *The Secretary, Ministry of Defence vs. Prabhas Chandra Mirdha*, dated 29.05.2012. It is clearly held as under:

"11. Ordinarily a writ application does not lie against a chargesheet or show cause notice for the reason that it does not give rise to any cause of action. It does not amount to an adverse order which affects the right of any party unless the same has been issued by a person having no jurisdiction/competence to do so. A writ lies when some right of a party is infringed. In fact, chargesheet does not infringe the right of a party. It is only when a final order imposing the punishment or otherwise adversely affecting a party is passed, it may have a grievance and cause of action. Thus, a chargesheet or show cause notice in disciplinary proceedings should not ordinarily be quashed by the Court. (Vide : *State of U.P. v. Brahm Datt Sharma*, AIR 1987 SC 943; *Executive Engineer, Bihar State Housing Board v. Ramesh Kumar Singh & Ors.*, (1996) 1 SCC 327; *Ulagappa & Ors. v. Div. Commr., Mysore & Ors.*, AIR 2000 SC 3603 (2); *Special Director & Anr. v. Mohd. Ghulam Ghouse & Anr.*, AIR 2004 SC 1467; and *Union of India & Anr. v. Kunisetty Satyanarayana*, AIR 2007 SC 906).

12. In *State of Orissa & Anr. v. Sangram Keshari Misra & Anr.*, (2010) 13 SCC 311, this Court held that normally a chargesheet is not quashed prior to the conclusion of the enquiry on the ground that the facts stated in the charge are erroneous for the reason that correctness or truth of the charge is the function of the disciplinary authority.

(See also: *Union of India & Ors. v. Upendra Singh*, (1994) 3 SCC 357).

13. Thus, the law on the issue can be summarised to the effect that chargesheet cannot generally be a subject matter of challenge as it does not adversely affect the rights of the delinquent unless it is established that the same has been issued by an authority not competent to initiate the disciplinary proceedings. Neither the disciplinary proceedings nor the chargesheet be quashed at an initial stage as it would be a premature stage to deal with the issues. Proceedings are not liable to be quashed on the grounds that proceedings had been initiated at a belated stage or could not be concluded in a reasonable period unless the delay creates prejudice to the delinquent employee. Gravity of alleged misconduct is a relevant factor to be taken into consideration while quashing the proceedings."

Thus it is well settled law that charge sheet cannot be subject matter of challenge as it does not adversely affect the rights of the delinquent and the issuance of charge memorandum should not be interfered with as it does not give rise to any cause of action and amount to an adverse order which affects the rights of any party.

16. Hon^{ble} Supreme in *Union of India & another Vs. Ashok Kacker*, 1995 Supp. (1) SCC 180 also prescribed these limitations on Tribunals and Courts to interfere with the disciplinary proceedings at the issuance of the charge sheet itself. The

relevant portion of the judgment reads as under:-

"Admittedly, the respondent has not yet submitted his reply to the charge sheet and the respondent rushed to the Central Administrative Tribunal merely on the information that a charge-sheet to this effect was to be issued to him. The Tribunal entertained the respondent's application at that premature stage and quashed the charge-sheet issued during the pendency of the matter before the Tribunal on a ground which even the learned counsel for the respondents made no attempt to support. The respondents has the full opportunity to reply to the charge-sheet and to raise all the points available to him including those which are now urged on his behalf by learned counsel for the respondent. In our opinion, this was not the stage at which the Tribunal ought to have entertained such an application for quashing the charge-sheet and the appropriate course for the respondent to adopt is to file his reply to the charge-sheet and invite the decision of the disciplinary authority thereon. This being the stage at which the respondent had rushed to the Tribunal, we do not consider it necessary to require the Tribunal at this stage to examine any other point which may be available to the respondents or which may have been raised by him."

17. Similar view has also been taken by this Tribunal in the recent orders passed in O.A. No. 1895/2018 decided on 20.04.2022 and in O.A. No. 643/2021 decided on 27.04.2022.

18. In view of the above and peculiar facts and circumstances, we are of the considered view that the impugned charge memorandum does not suffer from any infirmity or illegality, requiring judicial review. The claims and challenges by the applicant in the O.A. are not tenable. The O.A. is thus devoid of merit and the same is, accordingly, dismissed.

19. In view of the order passed in the O.A., pending MA No. 2571/2021 also stands disposed of.

There shall be no order as to costs.