

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD (TELANGANA)
NO. 5-10-193, 1ST FLOOR, HACA BHAVAN, HYDERABAD - 500004

Order Sheet

Item no.: 3
O.A./793/2017 (ANDHRA PRADESH)
[CHARGE MEMO]
Court No.: 1

No of Adjournment: 37

Order Dated: 03/07/2025

RAJNISH KUMAR RAI IPS
Vs
M/O HOME AFFAIRS

For Applicant(s) Advocate : J SUDHEER

For Respondent(s) Advocate : V VINOD KUMAR, B GAYATRI VARMA, MANISHA LAVA KUMAR

Order of The Tribunal

Mr. Theodore represents Mr. J. Sudheer, learned counsel for the applicant and seeks adjournment.

Learned counsel for the respondents is present.

Mr. V. Vinod Kumar, learned Senior Panel Counsel strongly opposed the adjournment and requested for hearing. He further submits that the applicant, has obtained stay from this Tribunal on 16.10.2017 and thereafter, on various occasions, even after completion of pleadings, he succeeded in getting adjournments on one or another reason. When the respondents moved MA/369/2021 for vacating stay order, and when it was taken up for hearing on 24.09.2021, the applicant's counsel sought two weeks' time to file objection. Therefore, on his request matter was adjourned to 05.11.2021 for final hearing. On 05.11.2021 applicant's counsel has sought another adjournment on the ground that, the applicant came to be transferred to Ahmedabad and therefore, he is moving

an application for transferring the present case to Ahmedabad Bench. His Transfer Petition (PT) No.263/2021 for transferring the present OA, was dismissed on 04.02.2022 and against the said dismissal order of transfer petition, the applicant approached the Gujarat High Court by filing SCA No.6466/2022, which was dismissed vide its order dated 20.04.2022, against which, the applicant has knocked the doors of the Hon'ble Supreme Court in SLP (C) No.20054/2023. The said SLP also came to be dismissed on 06.09.2023. Therefore, there is no question for another transfer petition.

Learned counsel for the applicant sought many adjournments for no reason. When this court has adjourned the matter, at the behest of the applicant's counsel it was made clear that there will be no further adjournment and directed to get ready for argument on the next date. The same request has been repeated through proxy counsel. Again this Tribunal has reiterated the same, though adjourned the matter, at the request of the proxy counsel for the applicant, with a caution that no further adjournment shall be granted. Thereafter, continuously matter got adjourned at the behest of the applicant's counsel.

Learned counsel for the respondents further contended that, the repeated requests for adjournment have been made, either by applicant's counsel on record or through proxy counsel and the same were granted by this Tribunal. Upon hearing both sides on 09.11.2023, MA/369/2021 for vacating stay was allowed and Interim Relief granted on 16.10.2017 staying the inquiry was vacated and main matter was also reserved for orders.

Feeling aggrieved, applicant approached the Hon'ble High Court in WP. No.32213/2023 and the Hon'ble High Court has set aside the order of this Tribunal on 09.11.2023 and remitted back the matter

to the Tribunal, by directing to pass the orders on merit either in the vacate stay application or in the main OA, as expeditiously as possible preferably within three months from the date of receipt of the order, vide its order dated 28.11.2023.

The learned counsel for the respondents further contended that even after the direction of the Hon'ble High Court, the applicant's counsel is not showing his responsibility for argument. As it can be noticed from daily order sheet that, some of the times matter was not represented and some of the times, it was represented through proxy counsel. They have requested for adjournment, which was allowed by this court expressing the opinion that stay was running. From 2017 onwards, inquiry against the applicant has been stayed and applicant has been enjoying the order of stay.

Again, when applicant's counsel has pointed out that against one of the orders of this Tribunal in another OA of the applicant, the matter was carried to the Hon'ble Supreme Court and thereby, the Hon'ble Supreme Court has directed the CAT Principal Bench, to take up the matter for hearing, by transferring the same from the CAT Hyderabad Bench.

Upon hearing of such submissions, this Tribunal has expressed their opinion that, the all matters of applicant's to be adjudicated at one place. Therefore, suggestion has been put forward to the counsel that all matters pertaining to the applicant may be transferred to the CAT Principal Bench. However, at that point of time, applicant has not highlighted the earlier attempt made by the applicant to transfer the petition to Principal Bench, which was rejected and attained finality.

His SLP was rejected by the Hon'ble Supreme Court and thereafter, the Hon'ble High Court has directed this Tribunal, either to hear

the MA (Vacate Stay Petition) filed by the respondent department on merit or the OA. Though the applicant has filed PT No.263/2021 before the Principal Bench, the applicant intentionally has not pursued the matter and either he sought adjournment or he remained absent. Hence, the respondent by filing MA/195/2025 prayed for direction to bring all these facts on record, and prayed for direction that matter to be heard by this Bench in compliance of the order of the Hon'ble High Court passed in Review IA.No.1/2024 in WP No.32213/2023 dated 14.06.2024 and in view of the order passed by the Hon'ble Supreme Court vide its order dated 06.09.2023, MA filed by the respondents was allowed. At the request of the Respondent No.1 in this OA, that considering fact that the issue involved in the matter, and since inquiry was pending from 2017, it was decided that the matter to be heard at Hyderabad Bench to comply the order of the Hon'ble High Court vide its order 28.11.2023 passed in WP No.32213/2023 and directed the Registry to list the matter on 03.07.2025 immediately after the fresh admission.

Even today, applicant's counsel has not shown any respect to the orders of the court and through his representative, sought for an adjournment again. After hearing, learned counsel for the respondents, we have perused the entire record, and we expressed that, we are not inclined to grant any adjournment as we already have expressed our opinion on earlier occasions that the matter will be heard without any adjournment. Still, proxy counsel for the applicant has insisted for adjournment, which, we are not inclined to grant.

It is to be noted that, we have noticed that, on 11.01.2024, 03.05.2024, 27.09.2024, 25.10.2024, 30.12.2024, 19.02.2025, 25.04.2025, 19.06.2025 and today i.e. 03.07.2025 at the request of

the applicant's counsel, matter got adjourned and even from 2018 and 2021, matter was adjourned about 20 times and mostly, on the request of the applicant's counsel. The respondents have moved the MA/369/2021 seeking vacation of the Interim Order. On 24.09.2021 applicant's counsel sought time to file reply. Therefore, matter adjourned to 05.11.2021. On 05.11.2021 applicant's counsel informed about the transfer petition. However, on 17.01.2022 and 15.02.2022, at the request of the applicant's counsel, matter has been adjourned on both occasions with direction of no further adjournment. Again on 15.03.2022, 28.03.2022 and 10.08.2023, matter was adjourned at the behest of applicant's counsel. Finally on 09.11.2023, after hearing both sides, stay was vacated and order in OA was reserved for orders.

It is also to be noted that, when applicant has approached the Hon'ble High court against the order of this Tribunal dated 09.11.2023 in WP No. 32213/2023, the Hon'ble High Court has set aside the order of this Tribunal passed in vacate stay petition. While remitting back the matter to the Tribunal, the Hon'ble High Court has directed to pass order on merit either on MA for Vacate Stay or in main OA within three months. However, it can be seen from the daily order sheet, that maximum times, applicant's counsel has sought adjournments.

It is also to be noted that, by virtue of the Hon'ble Supreme Court order passed in SLP No.29604/2024, another OA filed by the applicant was directed to be transferred to the Principal Bench. Therefore, suggestion to be put forward to the applicant in respect of transfer of this OA, to Principal Bench. At that point of time, applicant's counsel has not made any mention in respect of the orders passed by the Principal Bench, which attained finality in earlier round of Transfer Petition. In fact, vide detailed order, the

Hon'ble Supreme Court dismissed the SLP (Civil) No.20054/2023, vide its order dated 06.09.2023 para.6 which reads thus:

“.... 6. But so far as the plea of the petitioner is concerned. It is not a case of the petitioner that the Tribunal, which is hearing the matter at present is without jurisdiction. He himself had instituted the application in the Tribunal at Hyderabad. His submission is the Bench of the Tribunal at Ahmedabad also has jurisdiction to hear the case, as at present he is residing in Ahmedabad after retirement. His submission is that in the event his transfer plea is not accepted, it would cause inconvenience and undue hardship. It is on this ground he had applied for transfer of his case from the Bench of the Tribunal at Hyderabad to the Bench at Ahmedabad. The matter has reached final stage of hearing in the Tribunal at Hyderabad. That appears to be the main reason for which the Principal Bench of the Tribunal has rejected the petitioner's transfer application. We do not find any flaw in such reasoning. In such circumstances, we decline to invoke our jurisdiction under Article 136 of the Constitution of India in the present matter.”

It is further to be noted that, when applicant filed Transfer Petition No.58/2025, however, he has not pressed the same as he himself requested adjournments and he was also absent. Thereby, he has succeeded to prolong the OA.

However, after perusing all these facts, and in compliance with the order of the Hon'ble High Court, we expressed our opinion while sitting at Circuit Bench in A.P. while allowing the MA of the official respondents that matter will be heard finally on 03.07.2025 and the said order was passed before the proxy counsel, who has

represented the applicant's counsel. Again, when we have taken the matter today with hope that applicant's counsel will argue the matter, however, again through proxy counsel by name Mr. Theodore, request has been made and the proxy counsel has repeated the same request. It shows that applicant counsel is not ready in the matter for final arguments.

In view of the above facts, we are not inclined to continue the said interim order granted on 16.10.2017, which was extended until further orders vide order dated 08.02.2018. Accordingly, MANo /369/2021 filed by official respondents is allowed. The stay granted to the impugned Charge Memo dated 25.08.2017 is vacated. The respondents are at liberty to proceed with the said charge memorandum.

List the matter on 13.08.2025.

Shalini Misra
Member (A)

Dr. LATA BASWARAJ PATNE
Member (J)

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