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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2530 of 1997

New Delhi, this the 24th day of October, 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Mr. N. Sahu, Member (Admnv)

Dr. A. K. Doshi S/o late Sh. Tarachand Doshi,
Presently working as Director Inspection
& Investigation & Regional Director,
Eastern Region, Calcutta, G-14, Andrews
Gunj Extension, New Delhi. - APPLICANT

(By Advocate - Ms Jasminde Kaur)

Versus

Union of India through Secretary,
Department of Company Affairs, Ministry
of Finance, 5th Floor, Shastri Bhavan,
Dr. Rajendra Prasad Marg, New Delhi - RESPONDENTS

(By Advocate - Shri V. S. R. Krishna)

O R D E R (Oral)

By Dr. Jose P. Verghese, VC (J)

This Original Application has been filed against a show cause notice dated 22.9.1997 by which the respondent wanted to initiate a disciplinary proceeding against the applicant. The allegation of the applicant is that issuance of a charge sheet at the fag end of his career is malafide and is only intended to stop his possible selection as Member, Company Law Board. It was also stated that the charges framed are superfluous and without any substance; and no evidence required to be taken. It was also stated that the respondent has condoned the misconduct by the subsequent behaviour.

2. The respondent on the other hand has stated that it may not be a fit case for this Court to interfere in view of the decision of the Hon'ble

Supreme Court in the case of **Union of India Vs. Upendra Singh**, (1993)3SCC 357 = (1994)27ATC 200. It was stated on behalf of the respondents that the charge sheet has been issued and the enquiry should be permitted to be continued and at the maximum it will take only six months to complete the same provided the applicant cooperate with the enquiry. It was also stated that all the benefits that may accrue to the applicant can be restored and there is nothing irreparable that may happen in the event the enquiry takes places and the grounds alleged in the application can also be taken as defence during the disciplinary proceedings.

3. In view of the above, we direct the respondents to complete the enquiry within six months from today and the applicant shall cooperate with the enquiry. If any documents are to be given, the same may be supplied within one week and if any other documents are left to be communicated the same shall be done within another 7 days. The respondent shall permit inspection of records so that no delay shall occur due to exchange of documents.

4. In view of this, we dispose of this O.A. granting the liberty to the applicant to revive the same through an MA after the enquiry is completed and appeal against the punishment order, if any, is rejected. And in the event the respondent on its own do not grant or make good of the likely loss to the applicant, the applicant will be at liberty to

approach this Tribunal in the said application for appropriate relief. With this, the O.A. is disposed of. No costs.

Kanamalatha

(N. Sahu)
Member (Admnv)

(Dr. Jose P. Verghese)
Vice Chairman (J)

rkv.