

(V)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.879/94

NEW DELHI THIS THE 14TH DAY OF NOVEMBER, 1994.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

Shri Balwant Singh
S/o Late Shri Jang Singh Sohgal
R/o NIL Block Qr.No.19A,
Malviya Nagar,
NEW DELHI-17.

APPlicant

BY ADVOCATE SHRI S.S.Rhalla

Vs.

1. Union of India
Through the Secretary to the Government
of India ,
Ministry of Finance
Department of Revenue,
North Block
New Delhi.
2. The Chairman
Central Board Direct Taxes,
Ministry of Finance
Department of Revenue
North Block
New Delhi.
3. The Commissioner of Income Tax,
Delhi VI
Mayur Bhawan
Connaught Place
New Delhi.

RESPONDENTS

BY ADVOCATE SHRI V.P.UPPAL.

ORDER(ORAL)

JUSTICE S.K.DHAON:

The only relief claimed in this OA is that the respondents may be directed to expedite the departmental enquiry initiated against the applicant.

2. A short counter-affidavit has been filed on behalf of the respondents. Counsel for the parties have been heard. With their consent, this OA is being disposed of finally.
3. The applicant was, on or before 28.10.1988, working as an Income Tax Officer. On that day, he was served with a memorandum of charges. On 31.10.1988, he retired from service. On account of the pendency of the departmental proceedings, the payment of pensionary benefits etc. has been held up.

4. Shri V.P.Uppal, counsel, appearing for the department, has fairly stated that the enquiry proceedings shall be completed and finally disposed of within a period of six months from today. The applicant has made a grievance that he is not being supplied with the copies of the documents which form part as Annexures to the memorandum of charges.

5. Shri Uppal states that the copies of the relevant documents will be supplied to the applicant within a period of one month from today. It is stated at the Bar on behalf of the applicant that he shall submit his written reply to the memorandum of charges within a period of two weeks from the date of receipt of the copies of the documents aforementioned. Thereafter, the enquiry officer shall proceed with the departmental enquiry on the footing that he has to complete the enquiry within a period of six months from today and, if necessary, he may conduct the proceedings from day to day. He shall finish the enquiry within the period specified even if the applicant does not cooperate with the enquiry.

6. Applicant's counsel has strenuously urged that we should provide in this order that in case the enquiry is not completed within the period specified, the disciplinary proceedings shall stand automatically revoked. At this moment, we are not prepared to pass such an extreme order. However, we do hope that the respondents will understand the spirit of this order.

7. The respondents shall complete the enquiry within a period of six months from today.

8. With these directions, the OA is disposed of finally but without any order as to costs.

(B.N.DHOUNDIYAL)
MEMBER(A)

S.K.D
(S.K.DHAON)
VICE-CHAIRMAN(J)