

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1745/2000

New Delhi: this the 18th day of MAY, 2001

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Baldev Singh,

S/o Shri Kartar Singh,
R/o 1/195/5, Sadar Bazar,
Delhi Cantt,

New Delhi

.....Applicant.

(By Advocate: Smt. Meera Chhibber)

Versus

1. Union of India,
through
Secretary,
Ministry of Finance,
(Dept. of Revenue)

2. Commissioner of Central Excise,
Central Excise Commissionerate,
Delhi-III,
C.R. Building,
I.P. Estate,
New Delhi.

3. Addl. Commissioner of Customs,
IGI Airport,
New Delhi.

...Respondents.

(By Advocate: Shri R.R.Bharti)

ORDER

S.R. Adige, VC (A):

Applicant impugns respondents' Memo dated 2.2.2000

(Annexure-P 1) initiating disciplinary proceedings
against him on 2 articles of charge allegedly relating
to the period when he was posted as Sector Officer in
Central Excise Range, Panchkula, C.Excise Division
Ambala between April, 1986 and April, 1987. He seeks a
direction to respondents to promote him if otherwise
found fit by ignoring the impugned charge sheet and
grant him consequential benefits.

2. Heard both sides.

3. The main ground advanced by applicant is the

(b)

inordinate and unexplained delay of over 14 years between the date of the alleged misconduct and the date of issue of the charge Memo. Reliance in this connection has been placed by applicant's counsel on the Hon'ble Supre Court's ruling in State of Andhra Pradesh Vs. Radha Krishan 1998 (4) SCC 154. Applicant also contends that it is only he who has been picked out for being proceeded against departmentally while the Supervisors under whom he worked during the aforesaid period have not been proceeded against, and further the alleged misconduct did not occur during his tenure of posting in Panchkula.

4. We note that in the impugned Memo dated 2.2.2000 applicant was given 10 days' time to submit his W.S. of defence. Applicant has enclosed copies of several letters/ reminders requiring respondents to supply him copies of relied upon documents to enable him to submit his defence statement, but he complains that respondents have not done so, as a result of which applicant has been unable to file his WS.

5. Before we are called upon to intervene judicially in this OA, we hold that respondents themselves should apply their mind to applicant's prayer in the first instance. For this purpose copies of all relied upon documents should be furnished to applicant within 1 month from the date of receipt of a copy of this order, and applicant should submit his WS within 1 month of receipt of the relied upon documents to respondents on which they should apply their mind and pass a detailed, speaking and reasoned order thereon within 2 months of receipt of applicant's WS under intimation to him. If applicant seeks a

2

(7)

personal hearing on his WS, reasonable opportunity should be given to him for the purpose. While disposing of applicant's WS, the ground of alleged inordinate and unexplained delay in initiating disciplinary proceedings against applicant in regard to incident that allegedly occurred ^{between} April, 1986 and April 1987 should not be lost sight of, in the light of the ruling in Radhakrishnan's case (supra).

6. The OA is disposed of at this stage as above. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

/ug/