



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No. 3426/2016

Tuesday, this the 22nd day of December, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Anish Gupta,
Aged 32 years,
S/o Shri Rajnish Gupta,
IRS (C&CE: 2009)

Resident Of:

344, Nimri Colony,
Delhi – 110052.

...

Applicant

(through Mr. Tushar Ranjan Mohanty, Advocate)

Versus

1. Union of India through,
The Secretary,
Department of Revenue,
Ministry of Finance, North Block,
New Delhi – 110001.
2. The Chairperson,
Central Board of Excise and Customs (CBEC),
Department of Revenue,
Ministry of Finance, North Blockm,
New Delhi – 110001.

... Respondents

(through Mr. N. D. Kaushik , Advocate)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:



The applicant was issued charge memorandum dated 16.07.2015 with certain allegations. He challenged the same by filing O.A. No. 1396/2016, it was disposed of with a direction to the Inquiry Officer (IO) to conclude the inquiry within four months from the date of receipt of copy of the order. It was also directed that if any representation is made by the applicant during the course of the inquiry, the same shall be considered. Complaining that the inquiry was not concluded within the stipulated time, the applicant filed the present O.A. He has also urged certain other grounds.

2. The respondents filed a detailed counter affidavit. It is stated that though the time was stipulated by this Tribunal in O.A. No. 1396/2016, the delay has taken place on account non-cooperation of the applicant as well as necessity to change the IO.

3. The applicant filed a rejoinder narrating the various circumstances. It is also mentioned that he had to file O.A. No. 1768/2017 for change of IO. Several other grounds are also urged.

4. We heard Mr. Tushar Ranjan Mohanty, learned counsel for applicant and Mr. N. D. Kaushik, learned counsel for respondents, through video conferencing.



5. It is no doubt true that this Tribunal fixed some time frame, through its order dated 13.05.2016, for completion of the inquiry. Since the time mentioned therein was over, the present O.A. is filed challenging the very charge memorandum dated 16.07.2013; and for an injunction for the respondents not to take any penal action on the basis of the charge sheet.

6. In the normal course, the Tribunal would take exception for a time frame for completion of the proceedings if it is not adhered to by the respondents. Even while the present O.A. complaining of non-completion of proceedings, the applicant filed O.A. No. 1768/2017 with a prayer to change the IO. That O.A. was disposed of on 19.02.2017. Thereafter, twice the IOs had to change for variety of reasons. The applicant was said to be working at Vishakapatnam whereas the incident, referable to the inquiry has taken place at a different place. The respondents are under obligation to seek extension of time. However, it appears that when the applicant himself filed a subsequent OA No. 1768/2017 without taking any exception to the pendency of the proceedings etc, they did not feel it necessary.



7. Though with some delay, the IO has submitted his report on 24.02.2020, holding that the charges framed against the applicant are proved. The disciplinary authority is said to have passed order dated 10.04.2020 accepting the report of the IO and that the report has since been forwarded to the applicant for his representation. The applicant stated that he has submitted a representation yesterday itself. The next step would be to seek the advice of the UPSC and thereafter, copy of the advice of the UPSC is to be furnished to the applicant. The disciplinary authority to take final decision thereafter.

8. Having regard to the facts and circumstances of the case, we dispose of the O.A. directing the respondents to complete the proceedings as early as possible but not later than six months from the date of receipt of copy of this order. We leave it open to the applicant to file a Miscellaneous Application in the present O.A. in case the proceedings are not completed within the time stipulated to above. Pending MAs, if any, shall stand disposed of.

There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

December 22, 2020
/sunil/vb/ankit/sd