



**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No. 1656 /2020
MA No. 1418/2020
MA No. 2144/2020**

Today this the 27th day of October, 2020

Through video conferencing

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

Lav Kumar Saksena,
S/o Late Dr. Chandra Prakash Saksena,
C-6 FF,
C- Block Market,
Vasant Vihar,
New Delhi – 110021.

..Applicant

(Mr. Arvind Kumar, Advocate)

Versus

Union of India through-

1. Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi – 110001.
2. Chairperson,
Central Board of Direct Taxes,
Ministry of Finance,
North Block,
New Delhi – 110001.

..Respondents

(Mr. Manish Kumar, Advocate)



Order (Oral)

Justice L. Narasimha Reddy, Chairman

MA No. 1418/2020

This Application is filed for condonation of delay in filing OA. We find that it is a continuing cause of action and accordingly, MA is disposed of.

OA No. 1656/2020

The applicant retired from service as Chief Commissioner of Income Tax on 31.07.2013. While in service, he was issued a memorandum of charge dated 10.12.2012 alleging that he possessed the assets, disproportionate to his known legal sources of income. The applicant submitted his explanation. The inquiry was conducted in the matter and the Inquiry Officer submitted his report dated 10.12.2017. The grievance of the applicant is that the proceedings are being continued contrary to the rules and that he is being paid provisional pension, and that all the retiral benefits are withheld. In this background, this OA is filed seeking a direction to quash the disciplinary proceedings initiated through memorandum dated 10.12.2012 and other consequential relief.

2. We heard Mr. Arvind Kumar, learned counsel for applicant and Mr. Manish Kumar, learned counsel for



respondents at the stage of admission through video conferencing.

3. The only charge framed against the applicant reads as under:-

“ Articles of charge framed against Shri L. K. Saksena, Chief Commissioner of Income Tax, Rajkot (IRS Civil No. 79037)”

Shri L. K. Saksena while working as a public servant in different capacities different places in the Income tax Department during the period 01.04.1989 to 31.03.2004 by abusing his official position and by corrupt and illegal means, acquire moveable and immoveable assets in the name of self and his family members during the said period that were disproportionate to the extent of Rs. 15,36,131/- to his known legal sources of Income which he has not been able to explain.

By his aforesaid act, Shri L. K. Saksena, Chief Commissioner of Income Tax, failed to maintain absolute integrity, devotion to duty and acted in manner unbecoming of a public servant and thereby contravened the provisions of Rule 3(1) (i), 2(1) (ii) and 3 (1) (iii) of CCS (Conduct) Rules, 1964.”

4. The allegation is about the disproportionate assets.

The record discloses that though criminal proceedings were initiated against the applicant under Prevention of Corruption Act, 1971, the concerned court has discharged him on 10.03.2015. In the disciplinary proceedings, the Inquiry Officer submitted his report on 10.12.2017. There cannot be any justification to keep the proceedings pending for such a long time, that too, after discharge of the applicant in the criminal case and submission of explanation to the report in the disciplinary inquiry.

5. We, therefore, dispose of the OA directing that the disciplinary authority shall conclude the proceedings initiated against the applicant vide memorandum dated 10.12.2012, within three months from the date of receipt of copy of this order. In case the proceedings are not concluded, as directed above, the respondents shall release the pensionary benefits to the applicants, within four weeks thereafter, which in turn would be subject to the outcome in disciplinary proceedings. There shall be no order as to costs.

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

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