

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

**O.A. No.1618/2020**

**This the 26<sup>th</sup> day of October, 2020**

(Through Video Conferencing)

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

Avinash Kishore Sahay,  
S/o Late Krshnanand Sahay,  
6, Office Road, Northern Town,  
Bistupur,  
Jamshedpur-831001.

.. Applicant  
(By Advocate : Shri Arvind Kumar)

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  
(By Advocate : Dr. Ch. Shamsuddin Khan)

**ORDER (Oral)**

**Justice L. Narasimha Reddy, Chairman :**

The applicant retired as Principal Commissioner of Income Tax on 31.07.2020, on attaining the age of





superannuation. However, on 03.07.2020, a charge memo was issued to him. Four articles of charges were framed in relation to his working as the Disciplinary Authority against an employee, who was also facing the disciplinary proceedings. This OA is filed challenging the very charge memo.

2. The applicant contends that the charge memo was issued as a vindictive measure, and in relation to a matter which took place in the year 2014. He pleaded that when a Show Cause notice was issued to him, he submitted explanation, but without considering the same, the impugned charge memo was issued.

3. We heard Shri Arvind Kumar, learned counsel for applicant and Dr. Ch. Shamduddin Khan, learned counsel for respondents in detail at the stage of admission.

4. The occasion for the Tribunal to interfere with the charge memo, issued against an employee would arise in very limited cases, such as where the charge memo was issued by an authority not vested with the power or when a deviation from the prescribed procedure is noticed. Instances also exist where the charge memo issued to a retired employee, in relation to matters which took place



more than four years, before the issuance of charge memo. No such grounds are pleaded in this OA. The elaborate pleading in the OA, and the arguments, are on merits. Howsoever, attractive and vehement the argument in this behalf may be, the Tribunal cannot take up on itself, the role of the Inquiry Officer. The truth or otherwise of the charges needs to be examined in the course of inquiry.

5. Though the learned counsel for the applicant addressed extensive arguments touching on the merits of the charges, we desist from dealing with the same, lest any view comes to be expressed on the charge itself.

6. Therefore, we dismiss the OA, leaving it open to the applicant to put forward all his contentions in the course of inquiry.

Pending MAs, if any, shall stand disposed of.

There shall be no orders as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**