

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(4)

Regn.No. DA-2736/90

Date of decision: 4.3.1992

Shri H.K. Pruthi Applicant

Versus

Union of India through
the Chairman, Central Respondents
Board of Excise and
Customs & Others

For the applicant Shri R.R. Rai, Advocate

For the Respondents Shri P.H. Ramchandani, Senior
Counsel

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed
to see the Judgment? *yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant, who has worked as an Inspector in
the office of the Central Excise & Customs, is aggrieved
by the impugned order dated 25.4.1989 whereby he was
placed under suspension. He is presently receiving 75%
of his pay and allowances by way of subsistence allowance.
He has prayed for quashing the impugned order of suspension
and for his reinstatement with all consequential benefits.

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According to him, the period of suspension is unduly long and continuing him under suspension is contrary to the Administrative Instructions issued by the Government on the subject.

2. The respondents have stated in their counter-affidavit that the applicant was involved in illegal clearance of watch movements valued at Rs. 25,25,400 intercepted and seized by the officers of Customs (Preventive) on 1.2.1989 on receipt of specific complaint. Investigations revealed that on 31.1.1989, he was asked to examine a consignment of 24 post parcels said to contain wrist-watch modules. He gave an examination report to the effect that he opened a parcel No. 79014 and found the goods as per declaration. In fact, the said parcel was not opened and examined by him and it contained watch movements instead of watch modules. The consignment would have been cleared on the basis of his examination report, which would have caused loss to the exchequer. The respondents have stated that an appriser of Customs is also involved in the incident. Initiation of common proceedings against them is under consideration of the Central Vigilance Commission.

3. We have carefully gone through the records of the case and have considered the matter. The applicant has

(b)

relied upon numerous rulings* and we have duly considered them. In our opinion, there is some force in the contention of the applicant that the disciplinary proceedings which had been contemplated by the respondents should have been initiated within a reasonable time. At the same time, we do not consider it appropriate to set aside and quash the impugned order of suspension as the contemplated disciplinary proceedings relate to the alleged misconduct of a serious nature.

4. After hearing both sides, we dispose of the present application with the following orders and directions:-

if they so choose,

- (i) The respondents may issue the charge-sheet to the applicant in respect of the alleged misconduct on his part as expeditiously as possible but in no event, later than six months from the date of receipt of this order. In case the respondents do not do so, the impugned order of suspension dated 25.4.1989 shall be deemed to have been revoked on the expiry of the said period of six months. In that event, the respondents will be at liberty to post the applicant in any assignment which they may consider appropriate.

* Cases relied upon by the Applicant:
AIR 1987 SC 2257; 1987 (2) ATC 828; 1988 (7) ATC 548;
ATR 1987 (1) CAT 640; 1987 (4) ATC 979; 1978 SLJ 421;
1988 (4) SLJ 793 CAT; 1984 (1) SLJ 164; 1990 (12) ATC 501;
and 1985 (2) SLJ 134.

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(ii) There will be no order as to costs.

B. N. Dhangl
(B.N. Dhoundiyal)
Administrative Member

am *4/3/82*
(P.K. Kartha)
Vice-Chairman (Judl.)