

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO. 1375/91

DATE OF DECISION: 07.04.1992.

SHRI R.K. JAIN

APPLICANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

CORAM:-

THE HON'BLE MR. S.P. MUKERJI, VICE-CHAIRMAN

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

FOR THE APPLICANT : SH. P.P. KHURANA, COUNSEL

FOR THE RESPONDENTS : SH. R.S. AGGARWAL, COUNSEL

J U D G M E N T (ORAL)
(Delivered by Hon'ble Mr. S.P. Mukerji, Vice-Chairman)

In this application, the applicant who is working as Deputy Commissioner of Income Tax has challenged the charge-sheet dated 04.02.1991 at Annexure A-1 for allegedly committing some irregularities.

In the counter-affidavit, the respondents in reply to para 4.6 of the O.A. have stated that if the applicant had replied to the charge-sheet instead of moving to the Tribunal, his reply would have been looked into and "then a decision would have been taken as to whether further inquiry is necessary as contemplated in CCS(CCA) Rules." A detailed reply has been filed against the grounds of charges at Annexure A-2 (P. 54 to 110 of the paper-book). It is not clear from the application whether this detailed reply has been submitted by the applicant to the disciplinary authority. In any case,

even if the reply had been sent, it is possible that the disciplinary authority might not have taken any action thereon because of the pending of the O.A.

In the facts and circumstances, we admit this application and dispose of the same with the direction to the applicant to formally submit the detailed reply to the charge-sheet to the disciplinary authority within a period of one week from today and the respondents are directed to get the reply considered by the disciplinary authority and get a speaking order passed by ^{it} ~~him~~ thereon within a period of ^{two} ~~four~~ months from the receipt of the reply to the charge-sheet. The applicant will be at liberty to move the appropriate legal forum, if so advised and in accordance with law, in case, he feels aggrieved by the out-come of his reply.

There will be no order as to costs.

Subj
(T.S. OBEROI)
MEMBER(J)
07.04.92

S.P. Mukerji / 7.4.92
(S.P. MUKERJI)
VICE-CHAIRMAN
07.04.92

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