

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No. 1996/91

Date of decision: February 16, 1993.

Shri C. Mehervar

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Petitioner.

vs.

1. Union of India,
through the Secretary
Department of Revenue,
Ministry of Finance,
North Block,
NEW DELHI

Respondents.

2. Central Board of Direct Taxes
through its Chairman,
M/O Finance, North Block,
New Delhi.

CORAM M:

HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

HON'BLE MR. I. K. RASGOTRA, MEMBER (A).

For the petitioner ... Shri R.Kapur, proxy counsel
for Shri P.P.Khurana, counsel

For the respondents ... Shri R.S. Apparao, Consultant

Judgment (Oral)

(By : Mr. Justice V.S. Malimath, Chairman)

The petitioner has come to the Tribunal at the stage of of the issuance of the Memorandum of charge dated 22.2.1990 enclosing the statement of Articles of charge and imputation of allegations. The further proceedings in the inquiry have been stayed pending disposal of the main case

The counsel for the petitioner submits that some of the orders which are alleged to have been passed by the petitioner in respect of which the conduct of the petitioner is sought to be examined, have been set aside by the appellate authority.

He, therefore, submits that no useful purpose would be served by proceeding with the inquiry. It is necessary to point out that ^{all} the orders adverted to in the Memorandum of

charge have not been so set aside. Even if the orders have been set aside, it is open to the petitioner to bring these facts to the notice of the disciplinary authority to persuade it to drop the proceedings on the ground that there is no substance in the allegations. We would not be justified in interfering at this stage in the disciplinary proceedings. The Supreme Court has again and again pointed out that it would not be proper to exercise jurisdiction by the Tribunal to interfere at this stage. This is not a case of clutching of the jurisdiction which the authorities do not have. This is a question where on the merits the petitioner says that he is entitled to succeed. That is a matter on which a decision ^{has} to be rendered by the disciplinary authority in the disciplinary proceedings. In these circumstances, without expressing ^{any} opinion on the merits of the case, we decline to interfere at this stage. We, however, while dismissing the petition, direct the respondents in the circumstances to dispose of the disciplinary inquiry with utmost expedition.

Subhash
(I.K. RASGOTRA)
MEMBER (A)

Malimath
(V.S. MALIMATH)
CHAIRMAN