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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1004 of 1992

Date of Decision: 20.5.93.

L.S.ParmarApplicant.

Versus

Union of India & othersRespondents.

CORAM:

Hon'ble Mr.J.P.Sharma, Member(J)

Hon'ble Mr.S.R.Adige, Member(A)

For the applicant: Shri B.S.Mainee, Counsel.

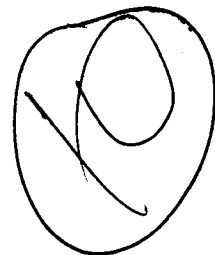
For the respondents: Shri P.P.Khurana, Counsel.

JUDGMENT(ORAL)

(By Hon'ble Mr.J.P.Sharma, Member(J).)

The applicant Shri L.S.Parmar, while working as Inspector(Customs), Income Tax Office, New Delhi, was served with a memo of charge-sheet dated 16.11.83. Along with this memo of charge-sheet, the articles of charge along with imputation of mis-conduct and other relevant annexures disclosing the witnesses to be examined, were also served on the applicant. The enquiry proceeded against the applicant and the Enquiry Officer Shri S.Kumar submitted the enquiry report dated 5.3.92 to the Disciplinary Authority and the Disciplinary Authority had served a show cause notice dated 5.3.92 asking the applicant to make his submissions/representation within 15 days from the date of receipt of show cause notice. The present O.A. was filed on 7.4.92 and on 10.4.92 the Bench issued an interim direction restraining the respondents from passing a final order on the basis of impugned show cause notice dated 5.3.92.

2. The applicant has assailed the findings of the Enquiry Officer given in the aforesaid ^{report} record on a number of grounds and has prayed that the said Enquiry



Officer's report as well as the enquiry proceedings based on the memo of the charge-sheet served on the applicant be quashed.

3. When the case was taken up today, learned counsel for the applicant Shri B.S. Mainee instead of addressing on the merit of the Enquiry Officer's report as well as on the conduct of the enquiry proceedings against the applicant stated that if a direction is issued to the respondent no.2 to consider the representation against the show cause notice and dispose of the same along with the final order by proper application of mind and by reasoned order, the applicant at this stage does not want to assail the enquiry proceedings and the report of the Enquiry Officer, reserving the right at the proper stage after exhausting various departmental remedies available to the applicant.

4. In view of the above facts and circumstances without entering into the merits of the case and the rival contentions of the parties, the present application is disposed of with the following directions:-

i) The applicant shall file representation to the show cause notice dated 5.3.92 within the period of one month from today before the Disciplinary Authority.

ii) The Disciplinary Authority shall dispose of the representation by a reasoned order on the findings of the Enquiry Officer's report dated 5.3.92.

iii) The applicant shall be free in the eventuality being aggrieved by the order of the Disciplinary Authority to exhaust the departmental remedy as per extent^a rules.

iv) If the applicant still feels aggrieved, he ~~shall file an appeal~~^{may assail} against the final order as

If so advised
well as the enquiry proceedings/and this order shall
not be a hurdle in the way.

5. The parties shall bear their own costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

J.P. Sharma
(J.P. SHARMA) *20.5.93*
MEMBER(J)

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