

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 132 of 1998

Allahabad this the 31st day of August, 2000

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. S. K. I. Naqvi, Member (J)

Shri Ashok Kumar Sharma, S/o Shri S.N. Sharma,
R/o 117/Q/398 Sharda Nagar, Kanpur Nagar.

Applicant

By Advocate Shri R.M. Shukla

Versus

1. Union of India through Secretary, Ministry of Finance, New Delhi.
2. The Chief Commissioner(North Zone), Customs & Central Excise, Sarvodaya Nagar, Kanpur.
3. The Commissioner, Customs & Central Excise, Sarvodaya Nagar, Kanpur.
4. The Enquiry Officer, Customs and Central Excise, Sarvodaya Nagar, Kanpur.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R (Oral)

By Hon'ble Mr. S. Dayal, Member (A)

This O.A. has been filed for issuance of direction to the respondents to quash the impugned charge-sheet dated 25.4.1995. A direction is also sought to the respondents to supply the inquiry report submitted by S/Shri A.K. Chaturvedi,

B.B. Agarwal and B.P. Verma to facilitate the defence of the applicant. The applicant has also sought directions to the respondents to submit the enquiry report before the tribunal and obliterate entry regarding 2. ^{Suspension} The facts of the case are that the applicant was given a charge-sheet on 25.4.1995 and a departmental inquiry is being held against him. In the course of this inquiry, the applicant applied for supply of the inquiry report which had not been done by the respondents till the filing of this O.A. The applicant has also contended that he is being victimised because he passed on certain information to the Principal Collector leading to discovery of fraud of more than Rs.50 Lakhs.

3. The arguments of Shri R.M. Shukla, learned counsel for the applicant and Shri S.C. Tripathi, learned counsel for the respondent have been heard.

4. Learned counsel for the applicant states that the respondents have declined to supply the copy of documents asked for by the applicant on the ground that they were not available with the department. We are not inclined to intervene in the matter of day to day conducting of inquiry and various~~s~~ prayers made by the charged official to the Inquiry Officer and his disciplinary authority, for various purposes. Incase the respondents refuse to supply the documents, they will have to furnish refusal with reasons to the applicant. We have already made observation that we are not inclined to intervene in the proceedings at this inter-locutory stage.

5. Learned counsel for the applicant mentions that the respondents have not completed the inquiry despite the fact that more than 5 years have elapsed since the service of charge -sheet on him. If the inquiry is not completed, he would not get his time bound promotion after 16 years and would suffer in his career. We, therefore, direct the respondents to complete the inquiry in this case, within a period of 6 months from the date of communication of this order with the stipulation that the applicant shall co-operate with the respondents in the process of inquiry. The O.A. is disposed of with this direction. No order as to costs.

S. Venkayya
Member (J)

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Member (A)

/M.M./