

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/021/00293/2021**

HYDERABAD, this the 8<sup>th</sup> day of April, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member**

**Hon'ble Mr. B.V. Sudhakar, Admn. Member**



**K.Venkateswara Rao S/o Late K.Rama Murthy,  
Gr.B, Aged about 68 yrs, Occ : Retd. Supdt. Central  
Excise and Customs Dept. R/o Flat No.204, Pavani  
Apartment, Simhapuri Hospital Lane,  
Vedayapalem, Nellore-524004.**

...Applicant

(By Advocate : Sri N. Vijay)

Vs.

1.Union of India, Ministry of Finance,  
Department of Revenue, North Block,  
New Delhi Represented by its Secretary.

2.Central Board of Indirect Taxes and Customs,  
Department of Revenue, North Block, New Delhi,  
Rep by its Chairman.

3.Chief Vigilance Officer (CVO), 6<sup>th</sup> Floor,  
C Wing, Hudco Vishal Building, Bhikajicama  
Place, New Delhi-110001.

4.The Commissioner of Central Tax, CGST  
Commissionerate, C.R. Buildings,  
C.R.Buildings, Kannavari Thota,  
Guntur-522004.

... Respondents

(By Advocate : Sri M. Brahma Reddy, Sr. PC for CG)

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**ORAL ORDER**  
**(As per Hon'ble Mr. B.V.Sudhakar, Administrative Member)**

Through Video Conferencing:



2. The O.A. is filed challenging the inaction of the respondents in not considering the representations of the applicant to conclude the inordinately delayed disciplinary proceedings initiated vide order dated 19.01.2012 and not settling the retirement benefits, which is illegal, arbitrary and violative of Articles 14, 16 & 21 of the Constitution of India. The applicant prayed for a direction to the respondents to conclude the pending disciplinary proceedings and to pay forthwith all the retirement benefits with interest to the applicant.

3. The applicant while working as Superintendent was involved in a CBI case, which was registered against the applicant and others in the year 2006. Further, respondents have issued a charge memo to the applicant on 19.01.2012 on the same set of facts and charges. The applicant retired on 07.08.2013. Thereafter, the CBI case was dismissed by the competent Court in February, 2017 and all the accused were acquitted. However, the disciplinary proceedings initiated against the applicant have been pending for the last 9 years.

4. The applicant has made several representations requesting to finalize the disciplinary action contemplated against him and release the retiral benefits. But, there has been no response from the respondents. However, they have taken action by imposing major penalty in the case of Sri P. Chandrasekhar, Superintendent, against whom similar charges were

framed, which the applicant terms it as a minor penalty. Learned counsel for the applicant pleaded that the disciplinary case pending against the applicant may be concluded at the earliest.

5. Sri Bhim Singh representing Sri M. Brahma Reddy, learned Senior Panel Counsel sought six months time to be granted for the respondents to complete the disciplinary proceedings.



6. Heard Sri N. Vijay, learned counsel for the applicant and Sri Bhim Singh representing Sri M. Brahma Reddy, learned Senior Panel Counsel and perused the pleadings on record.

7. After hearing the learned counsel on either side, we are of the view that the disciplinary case, which is contemplated and pending since 9 years against the applicant shall be concluded within a period of four months from the date of receipt of a copy of this order, keeping in view the fact that penalty has been imposed on a similarly placed employee namely Sri P. Chandrasekhar Superintendent, against whom similar charges were framed in common proceedings, as claimed by the applicant. The respondents are accordingly directed to conclude the disciplinary proceedings within four months.

With the above direction, the O.A. is disposed of at the admission stage with no order as to costs.

**(B.V.SUDHAKAR)**  
**ADMINISTRATIVEMEMBER**

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

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