

(A2/1) (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 797 of 1987

Wasi Ahmad ... .. Applicant.

Versus

Union of India  
and others ... .. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, VC)

The applicant was appointed as L.D.C. on 1.11.1965 and since then he is working in the said post. He was falsely implicated in a case Under Section 135 Customs Act on 22.3.1978 and was suspended on 17.7.1978. He received a charge-sheet on 20.12.1983 in which he was informed that departmental proceedings will be initiated against him. The applicant demanded copies of certain documents in order to reply show cause notice but no copies of documents were supplied to him. An enquiry officer was thereafter appointed and the enquiry officer was changed and another enquiry officer was appointed. According to the applicant nothing was done by the enquiry officers in the month of December, 1984. He was informed, thereafter, on 31.1.1985 that a common inquiry will be conducted against him and one Mushtaq Ahmad Khan. Again a preliminary inquiry will take place on 19.2.1985. The applicant appeared on 13.8.1985 for the first before the inquiry officer. Thereafter, ~~once~~ he received one after another letters that inquiry will take place on this date or that date. On 27.6.1986 the applicant made a written request for completion of inquiry as he was very much

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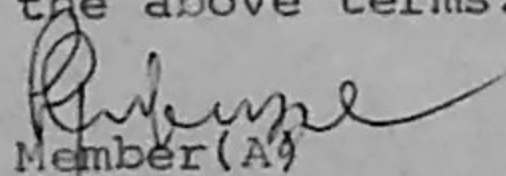


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harassed but nothing was done and nor any date was given. He was informed to appear on another date but even then no action was taken. The applicant's grievance is that the enquiry was unnecessarily delayed and he was kept under suspension for no fault of his. The respondents have pointed out that both these persons were involved in smuggling and they were caught while <sup>smuggling</sup> contraband goods from Nepal, and that is why the action was taken. They were also made to pay penalty by the excise department.

2. According to the respondents, the applicant is alone responsible for not allowing the department to complete the enquiry as there is lack of cooperation on his part and after taking into consideration the facts of the case given by the parties, it is desirable that instead of interfering in the enquiry which is still proceeding the applicant will cooperate in the enquiry. The respondents are directed to hold a fresh enquiry within a period of 4 months from the date of communication of this order. It may be by day to day proceedings. The applicant shall fully cooperate with the enquiry and if the applicant shall not fully cooperate with the enquiry and shall avoid the same, the enquiry proceedings in that event may stand quashed. The application is disposed of with the above terms. No order as to costs. ✓

  
Member (A)

Vice-Chairman

Dated: 3.9.1992

(n.u.)