

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 04.01.1995

Original Application No: 1596 of 1994

C.R.Bunkar, S/O Rabhu Dayal
at present working as Additional Collector
Central Excise, Allahabad

.... Applicant.

By Advocate Shri A.Kumar

Versus

The Union of India & Ors.

.... Respondents.

By Advocate Shri ---

C O R A M

Hon'ble Mr. T.L.Verma, Member-J

Hon'ble Mr. K.Muthukumar, Member-A

O R D E R

By Hon'ble Mr. T.L.Verma, Member-J

Heard Shri A.Kumar, learned counsel for
the applicant on admission.

2. The applicant, Additional Collector, Central Excise was served with a charge memo in November, 1987. He submitted his Written Statement of defence on 30.1.1990. The Inquiry Officer, submitted

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inquiry report on 17.9.1992 holding that the prosecution has miserably failed to substantiate the charge framed against the delinquent officer by filing listed documents and accordingly, came to the conclusion that the charge as levelled against him as not proved. The disciplinary authority, however did not agree with the above finding. By the impugned order dated 8.8.1994, he remanded back the inquiry to the inquiry officer for further inquiry and report after affording an opportunity to all concerned parties to examine and considered the documents in the matter. By order dated 13.9.94, he appointed Shri B.B.Sharma, Collector of the Central Excise, Jaipur, ^{as} Inquiry Officer. The applicant has filed this O.A. for quashing order dated 8.8.1994 and 13.9.1994.

3. We have heard the learned counsel for the applicant ~~and~~ at length and perused the documents. The scope of judicial review in matters relating to departmental proceeding is very limited. All that the Courts can do in the matters like this is to examine whether the Rules prescribed therefor have been complied with or not and whether the omission if any, has resulted in miscarriage of justice. Rule 15 (1) of the CCS(CCA) Rules in very clear terms authorises the disciplinary authority to remit the case to the Inquiring Officer for further inquiry and report, for reasons to be recorded. We have perused the impugned order dated 8.8.1994 and we find that the disciplinary authority has recorded his reasons in

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para 4 of the impugned order. From the Inquiry Report submitted by the Inquiry Officer, it is clear that the report was submitted without considering the listed documents as the same were not made available to him although, according to the Inquiry Officer, sufficient opportunity had been given. We do not find any reason to disagree with the reasons given by the disciplinary authority ⁱⁿ ~~to~~ remit the case to the Inquiry Officer for further inquiry.

4. The learned counsel for the applicant states that the Inquiry officer who had submitted earlier report should not have been changed. The Competent Authority, in our opinion, has power to appoint/ change the Inquiry Officer. In absence of sufficient and ~~any~~ ^{any} reasons to interfere with the exercise of the power of appointing a fresh inquiry officer, we are not persuaded to accept this contention of the learned counsel for the applicant.

5. In view of the facts stated above, we are not inclined to interfere with the impugned orders. The abnormal delay in disposing of the disciplinary proceedings has been deprecated by the Supreme Court as the same subjects the delinquent officer to severe hardship. The disciplinary proceedings was initiated against the applicant in 1987 and in our opinion, should have been brought to conclusion by now.

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We would therefore like to record that this disciplinary proceeding should be disposed of with a reasonable period of time, that is to say, within 6 months.

6. In the result, this application is dismissed at the admission stage itself with a direction to the respondents to complete the inquiry within a period of 6 months from the date of service of this order. The applicant is directed to cooperate with the ^{the Inquiry Officer} respondents to enable to complete the disciplinary inquiry within the appointed time. In case the inquiry is not completed within the time allowed, it will be open to the applicant to approach this Tribunal again for appropriate remedy.



Member-A



Member-B

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