

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 248 of 2011

This the 22nd day of August, 2012

**Hon'ble Mr. Justice Alok K Singh, Member-J
Hon'ble Mr. S.P. Singh, Member-A**

Hari Om Srivastava, aged about 62 years, S/o late Sri Parmeshwari Dayal Srivastava, R/o C-91, South City, Rae-Barely Road, Lucknow (retired as Assistant Director (Official Language) from the office of Chief Commissioner of Income Tax, Mumbai.

.....Applicant

By Advocate : Sri R.C. Singh

Versus.

1. Union of India through the Secretary, Ministry of Finance (Department of Revenue), New Delhi.
2. Member (Personnel), Central Board of Direct Taxes, North Block, New Delhi.
3. Director General of Income Tax (Vigilance) Dayal Singh Public Library Building, 1 Deen Dayal Upadhyay Marg, New Delhi.
4. Director General of Income Tax (Administration), Central Board of Direct Taxes, OL Wing, Mayur Bhawan, 6th Floor, Connaught Circle, New Delhi.
5. Director of Income Tax (PR PP & OL) and Cadre Controlling authority, Central Board of Direct Taxes, OL Wing, Mayur Bhawan, 6th Floor, Connaught Circle, New Delhi .
6. Chief Commissioner of Income Tax, Aaykar Bhawan, Maharshi Karve Road, Mumbai.

.....Respondents.

By Advocate :Sri S.P. Singh for Sri R. Mishra

O R D E R (Oral)

By Justice Alok K Singh, Member-J

Heard the learned counsel for the parties and perused the material on record.

2. This O.A. has been filed challenging the disciplinary proceedings including the chargesheet dated 19/28.3.2002 merely on the ground that on the basis of anonymous complaint made in the year 1996 (about nine years back), the respondents

(Signature)

are proceeding with the matter and are not making payment of retiral benefits including promotion, arrears of difference of salary etc.

3. It has been averred that the last inquiry report dated 8.12.2008 and CVC's Office Memorandum dated 31.5.2010 granting concurrence to impose major penalty on the applicant, was received on 6.9.2010. In response thereto, the applicant submitted his representation dated 18.9.2010, which, as per information given through Right to Information Act, 2005, was sent to Director General of Income Tax (Vigilance) on 23.9.2010, but since then the matter is lying in hibernation.

4. From the other side, the official respondents have come out with a defence that firstly no time limit is prescribed under the relevant rules for conclusion of inquiry and secondly certain papers are awaited from CBI.

5. Though at a belated stage, but a reference has been made in para 7 of the Rejoinder Reply to the Manual of Office Procedure Vol. I (Administrative) issued by Directorate of Income Tax, Central Board of Direct Taxes, Department of Revenue, Government of India dealing with the various aspects of disciplinary proceedings. Chapter 12 of the aforesaid Manual deals with Vigilance and it provides time frame for action in vigilance cases. According to this, within two months from the date of receipt of inquiry report, the final order ought to have been passed. As said above, in the present case, the inquiry report has been submitted in the month of December, 2008. Thereafter, it was sent to CVC and finally the applicant submitted his representation on 18.9.2010. Since then also about two years have passed, but the inquiry has not been brought to its logical end.

6. In view of the aforesaid facts and circumstances of the case, without further entering into the merits, we hereby dispose of this O.A. with a direction to the respondents to bring the inquiry proceedings to its logical end expeditiously say within a period of two months from the date of receipt a certified

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copy of this order. On the request of the learned counsel for the applicant, it is also directed that while taking a decision the respondents shall take into account all the points raised in the representation filed by the applicant. No costs.

S.P.Singh
22.8.12

..(S.P. Singh)
Member-A

Girish/-

Alok Kumar Singh
22.8.12

(Justice Alok K. Singh)
Member-J