

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No.83/1987.

Shri Ajit B.Awasthi,  
Flat No.10, Darbhanga House,  
Peddar Road,  
Bombay - 400 026.

.. Applicant

V/s

- 1) The Secretary to the  
Govt.of India,  
Ministry of Finance,  
Department of Revenue,  
New Delhi.
- 2) The Collector of Customs,  
New Customs House,  
Bellard Pier,  
Bombay - 400 038. .. Respondents.

Coram: Hon'ble Vice-chairman B.C.Gadgil.

Hon'ble Member (A) J.G.Rajadhyaksha.

Appearances

1. Mr.B.B.Khare, learned  
Advocate for the applicant.
2. Mr.H.V.Mehta, learned  
Counsel for Mr.M.I.Sethna.

ORAL JUDGEMENT  
(Per Vice-chairman B.C.Gadgil)

Dated: 6.4.1987.

The applicant is working as Customs Appraiser. With respect to the incident that took place in 1980, a departmental enquiry was being sought to be held against him. A formal order is in that respect has been passed. Memorandum of charges has been framed and the statement of articles of charges & of imputations of the misconduct have also been prepared and served on the applicant in May, 1986.

The applicant has filed a written statement about these charges. By this application, the applicant has prayed that the said departmental enquiry be dropped. His contention is that the valuation made him and other Appraisers has been accepted and that framing charges

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about incorrect valuation is bad. There is also a second charge of acceptance of illegal gratification. Mr. Khare submitted that the valuation prepared by the applicant and others has been ultimately accepted by the government and that there would be no question of any misconduct on the part of the applicant with respect to such valuation, thus the second charge of bribery is also baseless. In our opinion, it would not be quite appropriate for this Tribunal to give any verdict about correctness or otherwise of the allegations made in the charges. The proper authority would be the Enquiry Officer and thereafter the Disciplinary Authority to decide about it.

In this background, we do not intend to entertain this application as this is an interim stage. The matter is still pending the process of departmental enquiry.

Mr. Khare made another grievance that the applicant is not being given promotion on account of this departmental enquiry and that withholding such promotion is not correct.

We do not propose to consider this submission of the applicant, particularly, when we intend to give direction to the Respondents that the enquiry should be completed expeditiously. It was contended by Mr. Khare that the matter should be over within a period of three months. <sup>Mr. Mehta</sup> Mr. Khare wants some more time, say 4/5 months to be granted.

We think that the following schedule as per the operative part of this order will be quite in order.

The application is summarily rejected subject to the directions mentioned below:

1. The Disciplinary Authority, on or before 30.4.1987, should take appropriate decision in accordance with Ministry of Home Affairs O.M.No.11012/2/79-Estt(A) dated 12.3.81 as to whether the departmental enquiry should be held or not, and if the enquiry is decided to be so held, the appropriate authority should appoint an Enquiry Officer on or before 30.4.87.
2. The enquiry against the applicant, if it is decided to be so held, should be completed by the Enquiry Officer on or before 31.8.1987 and the Disciplinary Authority should pass proper orders before 31.10.1987.
3. We are giving these directions with a view to see that the enquiry, if it is decided to be held, should be expeditiously completed.
4. It is needless to say that the applicant would be at liberty to move this Tribunal in case, unfortunately, the case goes against him.
5. Mr.H.V.Mehta should take note of these directions and convey them to the concerned authority for their compliance.
6. No orders as to the costs of this application.

*B.C.Gadgil*  
(B.C.GADGIL)  
Vice-chairman

*J.G.Rajadhyaaksha*  
(J.G.RAJADHYAKSHA)  
Member (A)