

22
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH.

STAMP No. 352/88.

Shri G.D. Bapat,
358-B, Gangaram Khatri Wadi,
Thakurdwar,
Bombay - 400 002.

... Applicant.

V/s.

1. The Collector of Central Excise,
Bombay-I Collectorate,
New Central Excise Building,
M.K. Road, Churchgate,
Bombay - 400 020.

2. Union of India,
through
The Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.

... Respondents.

Coram: Hon'ble Member(A) Shri P. Srinivasan,
Hon'ble Member(J) Shri M.B. Mujumdar.

Appearances:

1. Shri P.V. Patankar,
Advocate for the
Applicant.
2. Shri J.D. Desai (for
Shri M.I. Sethna)
Advocate for the Respondents.

ORAL JUDGMENT

(Per P. Srinivasan, Member(A))

Date: 14-6-1988.

This application has come up before us for admission with notice to the respondents. Shri P.V. Patankar, learned Counsel, appears for the applicant and Shri J.D. Desai appears for the respondents and they have been heard.

The grievance of the applicant in this application, who is working as Inspector with the Central Excise department, Bombay, is against the memorandum dated 10-3-1988 issued to him by the Collector of Central Excise, Bombay intimating him that an enquiry ^{was} proposed to be held in respect of three articles of charge which appeared as a enclosure to the said memorandum.

P. Srinivasan

Shri Patankar submitted that the charges related to events which are said to have happened in 1979 and the chargesheet has been issued to him 9 years after the events. The applicant is not in a position to defend himself. The applicant was placed under suspension in 1980 presumably in connection with the same charges and the suspension was revoked in 1981. The respondents had taken 7 years thereafter to issue a chargesheet. At this late stage the applicant has considerable difficulty in collecting the evidence to defend himself. Shri Patankar therefore submitted that the said memorandum should be quashed for the reason that it was unduly delayed.

Shri J.D. Desai opposed the contentions of Shri Patankar and submitted that some investigations were in progress and that was why the issue of chargesheet was delayed. He submitted that the delay was not such as to do any injustice to the applicant.

Having heard the rival counsel carefully, we are of the view that this application cannot be entertained. One of the charges against the applicant is that he demanded a sum of Rs. 25,000/- as illegal gratification. Shri Patankar urges that the exemption which the applicant is said to have promised in return for the illegal gratification was not within his power to give. He also submitted that the two other charges related to an alleged exercise of power which he did not have under the law. The charges therefore were without any bases. For that reason, the memorandum should be quashed. These are all matters which the applicant can urge in the enquiry proceedings before the authority. After all what has happened is that a memorandum has been served on the applicant of an

P. J. Desai

...3/-

intention to conduct an enquiry. The applicant will have every opportunity of explaining his case including all the contentions that were sought to be placed before us. We are not impressed with the argument, that the chargesheet has been served on the applicant late. On the face of it the charges do appear to be serious and we are not inclined to quash the memorandum merely on the ground of delay. Shri Patankar cited a decision of a Bench of this Tribunal in another case viz. Ramesh Moreshwar Shringarpure vs. Chief Vigilance Officer, O.A. 50/87 decided on 1-1-1988. We have perused this judgment and we find the facts therein are different from those of this case. We are of the view that this application cannot be admitted at this stage. We also feel that disciplinary proceedings once initiated should be completed with as much expedition as it is possible. For, otherwise a Government servant would continue to remain under a Democles Sword indefinitely. We would, therefore, urge upon the respondents to take up the enquiry and complete it as early as possible, provided, of course, the applicant also co-operates in the matter. Shri Patankar assures us that the applicant will co-operate in getting the proceedings completed quickly.

In the result we reject the application at the admission stage itself with a direction to the respondents to take up the proceedings without delay and complete them as quickly as possible and pass appropriate order thereon, preferably by 1st of January, 1989.

There will be no order as to costs.


(P. SRINIVASAN)
MEMBER (A).


(M.B. MUJUMDAR)
MEMBER (J).