

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1355/96

Date of Order: 28.11.96

BETWEEN:

Shri M.Santosh Kumar

.. Applicant.

AND

1. Senior Authorised Representative,
'A' Bench, Shapoorwadi,
Adarsh Nagar, Hyderabad.

2. Inspecting Assistant Commissioner,
of Income-Tax, Hyderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.G.V.R.S. Varaprasad

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (Judl.)

- - -

J U D G E M E N T

X Oral order as per Hon'ble Shri R.RANGARAJAN : MEMBER (ADMN.)

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Heard Mr.G.V.R.S.Vara Prasad, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant is working as L.D.C. in Income-Tax department under R-1. He was issued with a charge memo No. Con.CCS/R-3/Hyd, dt. 16.6.86 (Annexure-A) for violating rule 3(1)(i) and (iii) of C.C.S. (Conduct) Rules, 1964 ^{for} some of his actions. It is stated that the enquiry was earlier conducted but the appellate authority set aside the order of the disciplinary authority and he is continuing thereafter in service. ~~The charge sheet~~ Four times enquiry officers were nominated but each time the nominations of the enquiry officer was changed. Finally an enquiry officer

Some charges are further enquired into.

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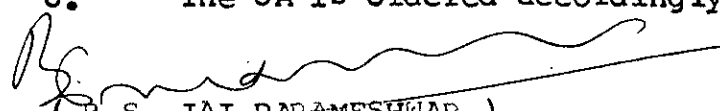
was nominated in August 1995 and priliminary hearing is over in June 1996.

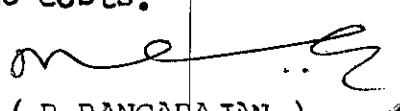
3. The contention of the applicant is that in view of the abnormal delay in finalising the charge sheet, the charge sheet has to be quashed. But we did not ^{subscribe} ~~prescribe~~ to the view that the charge sheet has to be quashed in view of the delay. However it is essential that a quick ^{finalisation} ~~decision~~ has to be ^{done} ~~taken~~ in this connection after conducting the ~~proper~~ enquiry in accordance with the rules. If a direction to that effect is given the ends of justice will be met.

4. In view of the above, a direction has to be given to R-1 to finalise the proceedings including the awarding of punishment if any within a period of six months from the date of receipt of a copy of the order. To be ^{fair} ~~fare~~ to the applicant it is essential that in case the proceedings are not completed within the stipulated period charge sheet ^{shall} ~~should~~ stand quashed. The applicant no doubt ~~is~~ will co-operate with the enquiry. The learned counsel for the applicant fairly submitted that the applicant will not seek any adjournment for postponing the dates of enquiry. In view of the above the following direction is given:-

5. ^{disciplinary} R-1 should complete the proceedings including the awarding of punishment, if any, within six months from the date of receipt of a copy of this order. If the time frame as indicated above is not adhered to, then the charge sheet stands quashed. The applicant should not ask for any adjournmen for dates of enquiry.

6. The OA is ordered accordingly. No costs.

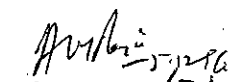

(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

28.11.96

Dated: 28th November, 1996

(Dictated in Open Court)


By Registrar (J)