

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 22nd day of February, 2010

ORIGINAL APPLICATION NO. 15/2010

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

S.M. Lodha son of Shri Sardar Mal Lodha aged about 57 years,
Superintendent, Central Excise Division, Chittorgarh, Rajasthan:

.....APPLICANT

(By Advocate: Mr. Rajendra Arora)

VERSUS

1. Union of India through Chairman, Central Board of Excise & Customs, Ministry of Finance, Government of India, North Block, New Delhi.
2. The Commissioner, Central Excise, Jaipur II, New Central Revenue Building, Statue Circle, 'C' Scheme, Jaipur.
3. Shri Sohan Singh, Deputy Commissioner & Inquiry Officer, Central Excise & Service Tax Division, 10, Azad Nagar, Bhilwara.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying that inquiry proceedings may be stayed as he has lodged complaint against the Inquiry Officer regarding his biased attitude. Attention of learned counsel for the applicant was draw to instruction no. 14 under Rule 14 of CCS (CCA) Rules (Annexure A/9), perusal of which reveals that where representation made by the delinquent official against the appointment of a particular Inquiry Officer on the grounds of bias, is rejected by the Disciplinary Authority, it should be open to the

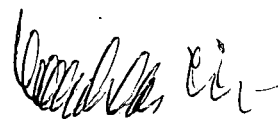
delinquent official to prefer an appeal to the Appellate Authority. From the material placed on record, it is evident that the applicant has not made any representation to the Disciplinary Authority regarding biased attitude of the Inquiry Officer, who was competent to deal with the matter at the first instance and thereafter the applicant, if aggrieved, the matter has to be carried to the Appellate Authority. Having not done so, we are of the view that the present OA cannot be entertained at this stage.

2. Learned counsel for the applicant submits that after filing of this OA, he has made representation to the Disciplinary Authority, which is still pending.

3. In view of the submission made by the learned counsel for the applicant, it will be open for the Disciplinary Authority to decide the matter in terms of rules and dispose of the representation of the applicant expeditiously, if not already done.

4. With these observations, the OA is disposed of at admission stage with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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