

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

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Date of Order : 5.4.2002.

O.A.NO. 428/2000

Ramji Lal Verma S/o Shri Lalu Ram aged about 49 years, at present working on the post of Assistant Accounts Officer in the office of Accountant General ( A&E ), Bhawani Singh Road, Rajasthan, Jaipur, resident of 102/19, Patel Marg, Mansarovar, Jaipur.

.....Applicant.

versus

1. The Union of India through the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Road, New Delhi
2. The Accountant General (A&E), Rajasthan, Bhawani Singh Road, Jaipur.
3. Shri Narain Singh, Senior Accounts Officer, O/o Accountant General (A&E), Rajasthan, Bhawani Singh Road, Jaipur.

.....Respondents.

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Mr. P.V.Calla, Counsel for the applicant.

Mr. Sanjay Pareek, Counsel for the respondents.

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CORAM :


Hon'ble Mr. Gopal Singh, Administrative Member

Hon'ble Mr. J.K.Kaushik, Judicial Member

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PER MR. GOPAL SINGH :

In this application under section 19 of the Administrative Tribunals Act, 1985, applicant, Ramji Lal Verma, has prayed as under :-



" It is, therefore, prayed that the Hon'ble Tribunal may kindly call for and examine the entire records relating to this case and by an appropriate order or direction the decision of the disciplinary authority dated 16.4.1999, referred in the memo dated 28.4.1999, may kindly be declared illegal and further the respondents may be restrained to impose any penalty on the basis of the inquiry report dated 30.6.1999 served upon the applicant with a covering letter dated 11/12.11.1999 (second inquiry report).

That in the facts and circumstances of this case, it is also prayed that the charge memo dated 27.5.1997 (Annexure A/7) and the inquiry proceedings conducted by the inquiry officer may also be declared illegal.

Any other relief to which the applicant is found entitled, in the facts and circumstances of the present case, may also be granted."

2. Applicant's case is that he has been working on the post of Assistant Accounts Officer since January 1994 with the respondent-department. The applicant belongs to Scheduled Caste community. He was served with a Chargesheet in the year 1997 and the Inquiry Officer submitted his report after conclusion of the inquiry holding the applicant not guilty. Thereafter, the respondent No. 2, vide his letter dated 16.4.1999 directed the Inquiry Officer to conduct the inquiry De novo. It is the contention of the applicant that De novo inquiry is not permissible in such cases. Hence, this application.

3. In the Counter, it has been stated by the respondents that the inquiry report dated 13.2.1998 submitted by the Inquiry Officer was considered in consultation with the Central Vigilance Commission who had observed that the prescribed procedure had not been followed during inquiry by

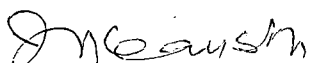
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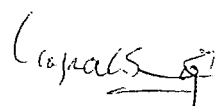
the Inquiry Officer, the documents have not been admitted and taken on record and the Presenting Officer has not submitted his written brief. In these circumstances, the Disciplinary Authority remitted the case back to the Inquiry Officer for further inquiry.

4. We have heard the learned counsel for the parties and perused the record of the case.

5. As per the established legal position, once inquiry has been completed, De novo inquiry into the same charges, cannot be initiated. In the instant case, it is seen that the Disciplinary Authority has been acting on the orders of Central Vigilance Commission and has failed to apply his own mind to the situation. Thus, the action of the respondents to order De novo inquiry into the same charges for which the applicant has not been held guilty in the earlier inquiry report, is not sustainable in the eyes of law and is liable to be quashed. In this connection, judgements in Parkash Nath Saidha, Vs. The Financial Commissioner (Revenue), Punjab, Chandigarh and Ors. [1972 SLR 601], R. Rama Rao Vs. A.P. State Agro Industries Development Corporation Ltd., and Anr. [1997 (5) SLR 508] and <sup>Pb. Govt., Chandigarh & Ors.</sup> ~~Chinder Paul Vs. The Secretary Health Deptt.~~ [2000 (5) SLR 561] can be cited with advantage. In the circumstances, we pass the order as under :-

"The O.A. is allowed. The De novo inquiry proceedings against the applicant in terms of respondents letter dated 16.4.1999 are quashed. However, the respondents will be at liberty to proceed against the applicant as per law. No costs."

  
(J.K. Kaushik)  
Judl. Member

  
(Gopal Singh)  
Adm. Member

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