

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 26.08.02

OA No.310/2002

R.N.Mehrishi s/o Shri P.N.Mehrishi r/o Sector 1/970,
Malviya Nagar, Jaipur, presently working as AAO in the
office of GSI, Jhalana Doongari, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary to the
Government of India, Ministry of Steel and
Mines, Shastri Bhawan, New Delhi.
2. The Chief Controller of Accounts, Principal
Accounts Office, Ministry of Steel and Mines,
Deptt. of Mines, Second Floor, Lok Nayak
Bhawan, Khan Market, New Delhi.
3. The Senior Accounts Officer, Geological Survey
of India (Western Region), Min. of Mines,
Jhalana Doongari, Jaipur.
4. The Executive Engineer (Civil), Civil
Construction Wing (Civil), All India Radic,
Jaipur.
5. The Senior Accounts Officer, Pay and Accounts
Office, Geological Survey of India (WR),
Jhalana Doongari, Jaipur.

.. Respondents

Mr. Arun Sharma - counsel for the applicant

CORAM:

HON'BLE MR. H.O.GUPTA, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R


Per Hon'ble Mr. H.O.Gupta, Member (Administrative)



In this application, the applicant has prayed for quashing the Office Memorandum dated 4.6.02 (Ann.A1) whereby Enquiry Officer and the Presenting Officer have been appointed and also the Memorandum dated 6/2001 (Ann.A2) whereby the applicant has been issued a chargesheet under rule 16 of the CCS (CCA) Rules, 1965, on various grounds stated therein.

2. The facts of the case as made out by the applicant, in brief, are that:-

2.1 In response to a notification issued by the National Institute of Ayurveda, Jaipur, he applied for the post of Accounts Officer on deputation basis. The said Institute made a written request to the respondents to send copies of the ACRs for the last 5 years but the same were not sent and the matter was delayed unnecessarily for the reason not known to the applicant. When he, on his own, made efforts to know the reasons, he was verbally informed that some vigilance matter is pending against him. He made a representation to respondent No.2 through proper channel on 17.8.2000 for forwarding the vigilance clearance certificate, but no action was taken. He made further representation dated 6.11.2000 clarifying the position, but it was only in the month of June, 2001 that the respondent No.2 sent a Memorandum to him proposing action against him under rule 16 of the CCS (CCA) Rules, 1965 (Ann.A2). He, after receipt of the above Memorandum and the statement of imputation, filed a representation to the respondent No.2 through proper channel on 25.6.2001 (Ann.A3). The impugned order at Ann.A2 is issued on the basis of the alleged misconduct said to have been taken



place way back in 1987-88 and that too for an act for which the responsibility is attributed to someone else, which may be evident from the statement of imputation itself.

2.2 He filed OA No.158/2002 which was decided vide order dated 2.5.2002 directing the respondent No.2 to pass a reasoned order on his reply to the chargesheet. Based on the order of the Tribunal, he filed representation dated 13.5.02 (Ann.A4) but the respondent No.2 passed the impugned memorandum dated 4.6.02 (Ann.A1) rejecting his representation and appointing the enquiry.

3. Heard the learned counsel for the applicant at length.

3.1 We find that the enquiry has been ordered by the respondents vide their Memorandum dated 4.6.2002 (Ann.A1). It will be proper, if the enquiry, as ordered, is finalised expeditiously. The applicant shall have opportunity to establish his innocence in the enquiry.

3.2 In the circumstances, without commenting on the merits of the case, this OA is disposed of at the admission stage itself with a direction to the respondent No.2 to ensure that the proceedings upto the stage of the order of the Disciplinary Authority are completed within 6 months from the date of receipt of this order. The applicant should cooperate in completion of the enquiry within the said period.


(M.L. CHAUHAN)

Member (Judicial)


(H.O. GUPTA)

Member (Administrative)