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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO. 695 OF 2002

Jabalpur, this 6th day of January 2003

Hon'ble Shri Justice N.N. Singh - Vice Chairman.
Hon'ble Shri R.K. Upadhyaya - Member (Administrative).

P.L. Mishra, S/o. Late Shri
R.N. Mishra, Inspector, Central
Excise, O/o Commissioner, Central
Excise, Tikrapara, Raipur. R/o.
G-3, Rajeev Nagar, Raipur.

... Applicant

(By Advocate - Shri Manoj Sharma)

VERSUS

1. The Union of India, Through
Secretary, Ministry of Finance,
Department of Revenue,
Central Board of Excise & Customs,
New Delhi - 110 001.

2. The Addl. Commissioner (P&V),
O/o Commissioner, Central
Excise, Raipur Commissionerate,
Tikrapara, Raipur, Chhattisgarh.

... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R

By R.K. Upadhyaya, Member (Adminv.)-

In this application, the applicant has sought direction to the respondents for completion of departmental enquiry pursuant to issue of charge-sheet dated 27.3.2001 in a time bound manner or in the alternative, the impugned charge-sheet be quashed.

2. It is stated by the applicant that he joined the services of the respondents department on 3.9.1982. He has been issued a charge-sheet under Rule 14 of Central Civil Services (Classification, Control & Appeal) Rules, 1965 as per memorandum dated 27.3.2001 (Annexure-A-1) for alleged misconducts of the applicant during the

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Chhattisgarh

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period June, 1994 to May, 1996. The learned counsel of the applicant states that because of pendency of this disciplinary proceeding, the applicant is not being promoted, whereas juniors are being promoted on account of the vacancies now available due to restructuring of the department, and the delay in finalisation of the disciplinary proceeding is now causing irreparable loss to the applicant. He invited attention to the case of State of Punjab and others Vs. Chaman Lal Goyal, (1995) 29 ATC 546 and stated that pending enquiry the applicant should have been promoted.

3. The learned counsel of the respondents invited attention to the written reply in which it has been stated that the first stage advice for initiation of major penalty proceeding has been obtained from the CVC against the applicant, and Shri K. Leelanand, Inspectors as well as Shri G. P. Meena, Superintendent. A charge-sheet to Shri G. P. Meena is to be issued by the Commissioner, Central Excise, Indore. The steps are being taken for appointment of the enquiry officer and presenting officer and the enquiry is likely to be finalised earlier. It has been further stated by the respondents that since this is a case of common proceedings, the delay has taken place so far. It was also stated that the present application has been filed at interlocutory stage and no relief is due to the applicant.

4. After hearing the learned counsel of both the parties, and after perusal of the material available on record, we are of the opinion that the enquiry proceedings initiated in this case should be completed expeditiously. In view of the fact that juniors of the applicant have been promoted, it is desirable that the proceedings are conducted on day-to-day basis and are completed within

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C. S. Goyal

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a period of six months from the date of receipt of a copy of this order, provided the applicant co-operates with the enquiry. We order ^{or} accordingly. The O.A. is disposed of without any order as to costs.

(Signature)

(R.K.Upadhyaya)
Member (Admnv.)

(Signature)
(N.N.Singh)
Vice Chairman

rkv.

पूठाकन सं ओ/ब्या.....जवलपुर, दि.....

परिलिखित अन्तर्गत:-

- (1) सचिव, जवलपुर जिला, जवलपुर
- (2) सचिव, जवलपुर जिला, जवलपुर
- (3) सचिव, जवलपुर जिला, जवलपुर
- (4) जवालपुर, जवालपुर जवालपुर जवालपुर

सूचना एवं आवश्यक कार्यवाही हेतु

(Signature)
उप निदेशक
8/10/03

(Signature)
(Signature)

Issued
On 8.1.03