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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 717 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).

K.B. Mahashabde, S/o. Late Shri
K.E. Mahashabde, Aged about 48
years, Inspector, Central Excise,
O/o. Commissioner, Central Excise,
Tikrapara, 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 Commissioner, Customs &
Central Excise, Revenue Building,
Tikrapara, Raipur.

3. 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 (Admnv.)-

The applicant has sought direction for
completion of the departmental enquiry as initiated
by issue of charge-sheet dated 27.3.2001 (Annexure-A-1)
in a time bound manner or in the alternative the
charge-sheet dated 27.3.2001 (Annexure-A-1) be quashed.

2. It is stated that while the applicant was
posted as Inspector, Central Excise during the period

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Chattisgarh

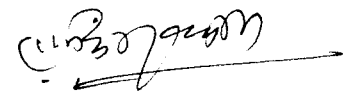
1994 to 1995, certain omissions and commission or gross irregularities and negligence are alleged to have been committed by him as per charge-sheet dated 27.3.2001 along with Shri S.K.Saha, Superintendent, Shri Balraj Barak, Superintendent and Shri J.R.Panigrahi, Assistant Commissioner (now redesignated as Deputy Commissioner). The claim of the learned counsel of the applicant is that the impugned charge-sheet has been issued after a long time and the pendency of departmental enquiry is causing extreme hardship to the applicant. It is claimed that in spite of the reply to the charge-sheet filed, no progress has been made for completion of the disciplinary proceeding.. Therefore, the impugned charge-sheet should be quashed. It is also stated by the learned counsel of the applicant that his juniors are being considered for promotion in view of increased number of posts due to restructuring of the department and because of this pendency of disciplinary proceeding, the applicant is likely to be ignored.

3. The respondents in their reply have stated that substantial loss of revenue has been caused to the Government on account of omission and commission of the applicant, therefore, a charge-sheet has been issued to him. The respondents state that a reference was made to the Director General (Vigilance), New Delhi on 12.7.2001 for seeking first stage advice for initiation of major penalty proceedings against all the officers including the applicant. The D.G. (Vigilance) has raised certain queries, which have now been replied on 31.10.2002. He has also been requested to issue further directions in the matter, which is still awaited. The learned counsel stated that as soon as clearance and instructions of higher authorities are received, the disciplinary authority will be asked to proceed with the enquiry. According to him, this O.A. at this interlocutory stage is premature and deserves to be dismissed.

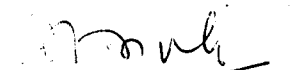
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4. After hearing the learned counsel of both the parties and after perusal of the record we are of the opinion that the matter requires to be attended to on priority basis inasmuch as it has already been delayed. It is desirable that the decision of the Director General (Vigilance) New Delhi is obtained without further delay. If any clearance is needed from any higher authority, the same should also be obtained without further loss of time. It is regretted that the disciplinary authority has not yet moved in the matter so far in spite of the fact that the impugned charge-sheet relates to years 1994 and 1995. In case it is finally decided to pursue the departmental enquiry, the same should be completed on day-to-day basis and it is desirable that the same is completed within a period of six months. We, therefore, order that disciplinary proceedings pursuant to issue of charge-sheet be completed within a period of six months from the date of receipt of a copy of this order, provided the applicant co-operates in the enquiry proceedings.

5. In the result, the O.A. is disposed of with the direction as contained in the preceding paragraph, without any order as to costs.



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

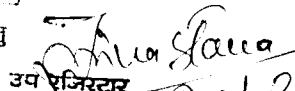

(N.N. Singh)
Vice Chairman.

rkv.

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
प तिलिपि अचो दितः--

- (1) राधिका, राज्य उपायवाक्य वर एगोसिपेशन, जबलपुर
- (2) राजेश्वरी, राज्य उपायवाक्य वर एगोसिपेशन, जबलपुर
- (3) राजेश्वरी, राज्य उपायवाक्य वर एगोसिपेशन, जबलपुर
- (4) राजेश्वरी, राज्य उपायवाक्य वर एगोसिपेशन, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु


उप निरीक्षक

Shama Shankar
hankar

Issued
on 8.10.03