CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.As Nos. 698 & 759 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).

(1) O.A. No. 698 of 2002

H.L. Giri, S/o. Shri B.C. Giri,
Aged about 47 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, Central
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)

(2) O.A. No. 759 of 2002

H.K. Deep, S/o. Late Shri
Dasarathi Deep, Inspector, Central
Excise, O/o Central Excise
Range-2, Satna (M.P.), R/o. Central
Excise Colony, Civil Lines, Satna
(M.P.).

... 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.

Contd. 2/-

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

(By Advocate - Shri P. Shankaran)

COMMON ORDER

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

The applicants have sought a direction for completion of departmental enquiry as initiated by issue of charge-sheets dated 24.3.2001 (Annexure-A-1) in a time bound manner or in the alternative the same be quashed. As the issue involved is same and the facts are similar, both these O.As. are being disposed of by this common order for sake of convenience.

2. The applicants have claimed that they joined as Inspector in the Central Excise Department on 25.9.1982 and 20.12.1988 respectively. They were issued memorandum of charge-sheet dated 24.3.2001 (Annexure-A-1) for alleged omissions and commission of misconduct during the period relating to 1992 to1993. The learned counsel states that after 9 years, the charge-sheets have been issued and no substantial progress has been made for its completion so far. The delay in departmental proceedings is not only subjecting the applicant to mental harassment but also status loss in asmuch as the applicants are not being considered for promotion and grant of higher pay scale. The same have been granted to their juniors in the year 2000-2001. The applicants are also not getting the accelerated promotion on account of restructuring of the department in view of the pendency of these departmental proceedings.

Contd.....3/-

3. The respondents in their replies have stated that heavy loss of Government revenue to the tune of Rs.36,72,164/- has resulted on account of serious failure and lapses on the parts of the applicants and Shri A.N.Ingole Superintendent and Shri M.M.Khan,Inspector. It is also stated by the respondents that for initiating enquiry proceedings first stage advice of CVC has been sought for. As soon as the same is received, common enquiry proceeding will be initiated. Therefore, the instant applications filed at interlocutory stage are premature and deserve to be dismissed.

4. After hearing the learned counsel of both the parties, we are of the view that the misconduct relates to the years 1992 and 1993. There has been considerable delay in issue of charge-sheets and no substantial progress has been made for finalisation of departmental proceedings so far. On the facts of these cases, we are of the view that the proceedings should be finalised early preferably on day-to-day basis. It is also desirable that the proceedings are finalised within next six months. Therefore, we direct the respondents to complete the proceedings pursuant to the issue of charge-sheets dated 24.3.2001 (Annexure-A-1) within a period of six months from the date of receipt of a copy of this order, provided the applicants co-operate with the enquiry.

5. Subject to our direction in the preceding paragraph, these applications are disposed of without any order as to costs.

Sd/—

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

Sd/—

(N.N.Singh)
Vice Chairman

rkv.