

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
(CIRCUIT COURT SITTING AT BILASPUR)

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Original Application No: 207/2000

Bilaspur, this the 19th day of March, 2004

HON'BLE SHRI M.P. SINGH, VICE CHAIRMAN
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

Mukesh Kumar Saxena s/o Late Sh. J.P.Saxena,
aged about 46 years,
Divisional Accounts Officer,
Water Resources Division,
Rajnandgaon (MP).

...Applicant

(By Advocate: None)

-versus-

1. Principal Accountant General (A/c)
Office of the Accountant (A/c.)
53, Area Hills Hoshangabad Rd.,
Bhopal (MP).
2. Senior Deputy Accountant General (A/c.)
Office of the Accountant (A/c.)
53, Area Hills Hoshangabad Road,
Bhopal (MP).

...Respondents

(By Advocate: Shri P.Shankaran)

ORDER (ORAL)

By Shri M.P. Singh, Vice Chairman:

By filing this O.A., the applicant has sought the following reliefs:-

- i) to call for the entire records pertaining to the enquiry pursuant to the charge sheet dated 23.12.1988, 29.1.1992 to examine the same in order to assess the routes of this matter and thereafter quash/set aside the chargesheet dated 19.11.1998 and also the chargesheet dated 29.1.1992 and the consequent orders dated 31.3.1999 or any other order passed by the Inquiry Officer/Presenting Officer.
2. Brief facts of the case are that the applicant was initially appointed as Divisional Accountant to Survey and Investigation Division, Bilaspur (later on renamed as Irrigation Construction Divisional, Bilaspur) and thereafter he was posted to Scarity Irrigation Division, Durg. Subsequently, he was promoted as Divisional Accounts Officer Gr.I The applicant was

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issued with the chargesheet by the Government of Madhya Pradesh, Irrigation Department, Bhopal vide letter dated 23.12.1998. The applicant had refused to reply to the chargesheet on the ground that the State Government was not competent disciplinary authority to initiate disciplinary action against a Central Government employee. Thereafter, the Principal Accountant General, Madhya Pradesh, Bhopal had issued a Memorandum dated 29.1.1992 to the applicant seeking his explanation on the charges levelled against him by the State Government of Madhya Pradesh. The applicant had submitted his reply on 10.2.1992. The applicant by submitting his reply, had sought certain documents for preparing his defence which ^{not} were/in the custody of the disciplinary authority i.e. the Principal Accountant General, Bhopal. Thereafter the respondents had issued a chargesheet dated 19.11.1998 to proceed against the applicant under Rule 14 of the C.C.S.(CCA) Rules, 1965. Respondents have also appointed the enquiry officer and the presenting officer to investigate into the charges. Thereafter, the enquiry has been started and the applicant has also participated in the enquiry. He has, however, asked certain defence documents which are again not available with the disciplinary enquiry. Vide letter dated 21.5.1999, the respondents have informed the applicant that they are taking steps to obtain the documents required by him for his defence, the same will be given to him as and when these are received. The applicant has, therefore, come to this Tribunal seeking the above reliefs.

3. Since it is an old matter pertaining to the year 2000 and none is present on behalf of the applicant, we proceed to dispose of this O.A. by invoking the provisions of rule 15 of the C.A.T. (Procedure) Rules, 1987. Heard the learned counsel for the respondents.


4. Learned counsel for the respondents has submitted that only one chargesheet has been issued to the applicant vide

letter dated 19.11.1998. He has submitted that the earlier Memorandum issued by them vide letter dated 29.1.1992 is not a chargesheet but only a letter seeking explanation of the applicant of the charges levelled against him by the Govt. of Madhya Pradesh. He has further submitted that the chargesheet issued initially on 23.12.1998 was issued by the Government of Madhya Pradesh and not by the disciplinary authority of the applicant i.e. the Principal Accountant General, Bhopal, therefore, the allegation made by the applicant that he has been issued chargesheets in the year 1988, 1992 and 1998 repeatedly by the respondents is not correct. Learned counsel for the respondents has also submitted that delay in holding the enquiry is due to the fact that the applicant has worked with the State Government and the documents demanded by him are available with the State Government and they have to obtain those documents from the State Government before they are shown/given to the applicant, to prepare his defence. According to him, the applicant is also equally responsible for delaying the enquiry proceedings as he keeps on demanding the documents which are not available with them just to delay the process of investigation of the charges.

5. We have seen the charges levelled against the applicant. The charges are grave involving moral turpitude. At this stage, keeping in view the legal settled position and the charges being grave involving moral turpitude, we would refrain ourselves from interfering in the enquiry proceedings. However, in the facts and circumstances of the case, we direct the respondents to continue with the enquiry and complete the same as expeditiously as possible in any case within a period of six months from the date of receipt of a copy of this order. In case the enquiry is not completed within six months, the charges will be deemed to have been dropped after six months. The applicant is also directed to cooperate with the respondents and should not keep on demanding the documents which are not

relevant and are not available with the respondents in order to delay the enquiry proceedings.

6. With the above directions, the O.A. is disposed of. No costs.


(MADAN MOHAN)
MEMBER (J)

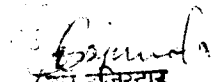

(N.P.SINGH)
VICE CHAIRMAN

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पृष्ठिका में जो/वहाँ..... दि.....
वर्ष.....

- (1) श्री.
- (2) श्री.
- (3) श्री.
- (4) श्री.

Utkarsh Varma
P. Shankar


23/3/14

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