

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 758/2000

Jabalpur, this the 13th day of February, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

M.V. Thakur, S/o Late V.R. Thakur
aged about 45 years, Presently
Working as Superintendent, Central
Excise, Ratlam (M.P.)

APPLICANT

(By Advocate - Sunil Batra on behalf of Shri M. Shrivastava)

VERSUS

1. Union of India, through
Secretary, Ministry of Central
Excise and Customs New Delhi.
2. Commissioner,
Central Excise & Customs,
Manikbagh Palace,
Indore (M.P.)
3. Assistant Commissioner (CIU)
Central Excise,
Indore (M.P.)

RESPONDENTS

(By Advocate - S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought following
main reliefs :-

(ii) To quash and set aside the impugned memo/
chargesheet dt. 19.5.2000 (Annexure-A-4)

(iii) To restrain the respondent from
initiating any departmental inquiry against petitioner
pursuant to the impugned memo/chargesheet dated
19.5.2000.

2. The brief facts of the case are that the applicant
is Superintendent, Central Excise at Ratlam and he has
been issued a charge sheet on 19.5.2000, The following
are
charges/levelled against him:

Shri M.V. Thakur. Supdt. during the aforesaid
period while working as Inspector at Jabalpur
Division was made Panch witness by the C.B.I.
Jabalpur in the trap proceedings against Shri
Manmohan Gupta, Assistant Manager, United India
Assurance Co. for receiving illegal gratification
Later during the course of Criminal proceedings
against Shri Manmohan Gupta, in the Court of the
special judge, CBI, Jabalpur, Shri M.V. Thakur had
given false statement before the Court on 29.03.96

stating therein that the trap proceedings did not occur/take place before him and he had signed a blank paper given by the C.B.I. personnel. The statement/deposition before the Court on 29.3.96 by Shri M.V. Thakur was contradictory to the statements given by him at the time of examination in Chief and cross examination held on 1.8.95 and 4.8.95 respectively. The Court took exception to the contradictory stand taken by Shri M.V. Thakur and while passing stricture ordered the Department to initiate inquiry.

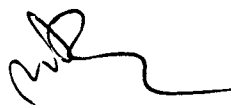
Aggrieved by this the applicant has filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties

4. The learned counsel for the respondents has stated that the applicant has been issued a charge sheet. Instead of participating in the enquiry, he has rushed to the Tribunal. Therefore, the OA is premature. In support of his claim, he has relied upon a judgment of Hon'ble Supreme Court rendered in the matter of Union of India Vs. Ashok Kakkar, 1995 SLR(7) SC-430

5. We have very carefully considered the rival contentions. It is well settled ^{pro-}position by the Hon'ble Supreme Court that if a Govt. employee, against whom charge sheet has been issued and enquiry ^{is} ^{has} been conducted, ~~is~~ ^{he} rushed to the Tribunal or Court, the Tribunal or Court should not ^{interfer} ~~entertain~~ with his case at the enquiry stage. The issues raised by the applicant before the Court or Tribunal should be raised before the enquiry officer/disciplinary authority.

6. In view of the judgment of Hon'ble Supreme Court, we cannot interfere at this stage and direct

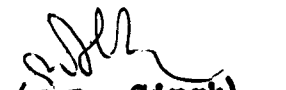


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the respondents to participate in the enquiry and all the points ^{raised in here} may be raised by him before the enquiry officer/disciplinary authority.

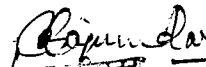
7. With the above observations the OA is disposed of. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

Issued
23.2.09

SKM


28/2/09

M. Shrivastava
SA Dharmachari