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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Jaipur, 09th November, 2006

ORIGINAL APPLICATION NO. 71/2006

CORAM

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN

HON'BLE MR. J.P. SHUKLA, MEMBER (ADMINISTRATIVE)

C.N. Dhar son of Late Shri T.N. Dhar, aged about 55 years, resident of 74/145-A, Mansarovar, Jaipur working as Chief Enforcement Officer, Directorate of Enforcement, Foreign Exchange Management Act (FEMA), Department of Revenue, Ministry of Finance, Government of India, B-67, Bapu Nagar, Jaipur.

By Advocate: Mr. Sobhit Tiwari.

....Applicant

Versus

- 1 Union of India through the Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
- 2 Directorate of Enforcement through the Director, Lock Nayak Bhawan, 6th Floor, Khan Market New Delhi.

By Advocate: Mr. Vijay Dutt Proxy to Mr. Prakash Gangawat

....Respondents



ORDER (ORAL)

Applicant has filed this OA for quashing of the order dated 29.03.2001 (Annexure A/1) vide which the applicant was issued Memo for holding minor penalty under Rule 16(1)(b) of the CCS(CCA) Rules, 1965. However, an Inquiry Officer was appointed as if the inquiry being conducted in a regular manner. The inquiry is still pending and no final order has been passed. Learned counsel for the applicant submits that applicant's promotion to the post of Assistant Director is pending for consideration and sealed cover procedure has been adopted in the his case as inquiry is pending against him. Learned counsel for the applicant further submits that it is the said inquiry which is coming in applicant's way for promotion to the post of Assistant Director.

2 Respondents in their reply have stated that the applicant is himself delaying the inquiry proceedings by not participating in the same. Whereas learned counsel for the applicant submits that applicant has not been given opportunity even to inspect the documents. Learned counsel for the applicant submits that proper time period be fixed to the respondents to finalize the inquiry proceedings.

3 We accordingly dispose of the OA with the directions to the respondents to complete the inquiry within a period of four months from today with clear understanding that applicant will fully co-operate in the inquiry proceedings and he will not take adjournment and the Department shall also make available the documents for inspection to the applicant which are relevant as per rules.

4. With these observations, the OA is disposed of with no order as to costs.


(J.P. SHUKLA)
MEMBER (A)


(KULDIP SINGH)
VICE CHAIRMAN

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