

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.769/2017

Monday, this the 6th day of March 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Mr. Pankaj Bansal
Group A
Presently DSP, CBI
Anti-Corruption Branch, Delhi
s/o late Mr. R K Bansal
aged about 47 years
r/o 108/4, Sector I
Pushp Vihar
New Delhi – 17

..Applicant

(Mr. Nilansh Gaur, Advocate)

Versus

1. Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Through its Secretary
AVD-II (B) Branch, North Block
New Delhi
2. Ministry of Home Affairs
Through its Secretary
North Block, Central Secretariat
New Delhi – 1
3. Central Bureau of Investigation
Through its Director
Plot No.5-B, CGO Complex
Lodhi Road, New Delhi -3

..Respondents

O R D E R (ORAL)

Justice Permod Kohli:

This O.A. has been filed challenging the validity of the charge memo dated 30.01.2017 (Annexure A-1) whereby the disciplinary authority has proposed to hold inquiry against the applicant under Rule 14 of CCS (CCA) Rules, 1965 for major penalty. The only ground urged on behalf of the

applicant is that the articles of charge do not disclose any kind of misconduct. We have examined the charge memo, the statement of articles of charge framed against the applicant and the statement of imputations of misconduct / misbehavior. The relevant part of the statement of imputation is noticed hereunder:

“4. The Inspection Team submitted its Inspection Report on 5.12.2014 examining, inter alia the inputs from the Intelligence Bureau dated 12.11.2014. In its report, the Inspection Team recommended the following actions:

(a) The findings of the inspection may be shared with the Association (IRF) to have their views.

(b) State Government may be asked to produce a report about the activities of the Association (IRF) as has been advised by the IB before taking the final view in this case.

2. Under direction (b), the applicant was required to obtain the State Government's report about the activities of the Association (IRF). In paragraph 6 of the imputations, the disciplinary authority has observed as under:-

“6. In view of the above, Shri Pankaj Bansal while working as Assistant Director (MU) in the Foreigners Division of MHA, failed to take appropriate action on the crucial and sensitive inputs provided in the IB's report. He also failed to obtain reports of the concerned State Government/Police as suggested by the IB. The Inspection Reports which also contained the observations of IB on the activities of IRF, was processed by Shri Pankaj Bansal, AD-I in file on 5.12.2014 and it was proposed that the observations of the inspection Team may be communicated to IRF, which was agreed to and a letter as subsequently issued on 6.1.2015. However, he took no action on the second recommendation of the Inspection Team while processing the file and this recommendation remained unattended.”

3. The disciplinary authority has accordingly formulated the opinion in paragraph 7, which reads:-

“7. By the aforesaid act, the said Shri Pankaj Bansal demonstrated utter lack of devotion to duty, and committed misconducts, which is unbecoming of the Government Servant in as much as he exhibited conduct in a manner prejudicial to the interest of the Government, thereby violating the Rules 3 (1) (ii) and (iii) of the CCS (Conduct) Rules, 1964.”

4. The above allegations demonstrate that the applicant has failed to perform his part of the duty by not seeking the report of the State Government in respect to the sensitive matter. Mr. Nilansh Gaur, learned counsel has admitted that no such report was sought from the State Government. His submission is, however, that a similar charge sheet has been issued to Mr. A K Dhyani, who was supervisor and was a senior officer. It is accordingly submitted that there is no lapse on the part of the applicant.

5. His further contention is that the applicant has not violated the provisions of FCRA. The lapse on the part of the Government servant also constitutes a misdemeanor or misconduct, particularly if such lapse is found to be deliberate. All these things can only be examined during the inquiry. We do not find any valid ground to interfere at this stage. There is no merit in this O.A., which is accordingly dismissed.

6. At this stage, Mr. Nilansh Gaur, learned counsel submits that the respondents may be directed to complete the inquiry in a time bound manner. From the charge memo, we find that 10 days' time was given to the applicant to file his response. Admittedly, he has not filed any response to the charge memo. Mr. Gaur submits that the applicant has approached the authorities for extension of time and the same is under process. We direct

the authorities to consider the request of the applicant for extension of time in filing response to the charge memo for providing fair opportunity to him.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

March 6, 2017
/sunil/