

**Central Administrative Tribunal
Principal Bench**

OA No.809/2017

New Delhi, this the 17thday of March, 2017

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

U.S. Raina, S/o Late Sh. Man Singh
Aged about 65 years
Addl Commissioner of Income Tax(Retd)
92-C/2B Gali No.7
East Azad Nagar, P.O. Krishna Nagar
Delhi-110051. ..Applicant

(By Advocate: Shri Sudarshan Rajan and Shri Ramesh Rawat)

Versus

1. Union of India through
The Secretary, M/o Finance
Department of Revenue
North Block, New Delhi-110001.
2. The Chairman
Central Board of Direct Taxes
Department of Revenue
North Block, New Delhi-110001. ..Respondents

(By Advocate: Shri Hanu Bhaskar)

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

The applicant was served with a charge memo dated 28.07.2011. An inquiry was instituted by appointing an Inquiry Officer and Presenting Officer vide orders dated 08.06.2012. The applicant participated in the inquiry proceedings. It is stated that the presenting officer filed his

brief on 02.01.2015 whereas the defence brief was filed on 27.02.2015. The grievance of the applicant is that the Inquiry Officer has not submitted the inquiry report with the disciplinary authority till date despite conclusion of the inquiry in February, 2015. The applicant even made a representation dated 22.11.2016 to the Disciplinary Authority for a direction to the Inquiring Authority to complete the inquiry proceedings. Receiving no response, the present OA has been filed.

2. The applicant also placed reliance upon the Office Memorandum issued by the M/o Personnel, Public Grievances and Pensions, Department of Personnel and Training dated 29.11.2012 which *inter alia* prescribes the procedure and issues the guidelines for completion of the inquiry. It is contended that even the time schedule communicated in the aforesaid Memorandum has not been adhered to by the respondents.

3. Based on the averments made in this OA, Shri Hanu Bhaskar, learned counsel appearing for the respondents, was asked to seek instructions. Shri Bhaskar has today reported that the inquiry report is yet to be received by the Disciplinary Authority and even the Inquiry Officer has been asked to submit the inquiry report. Based upon his

statement, this OA is disposed of at the admission stage itself with a direction to the Disciplinary Authority to ensure that the Inquiry Officer submits his report within a period of one month. On receipt of the report, the Disciplinary Authority will act according to the Rules and pass the final order in accordance with law. The Disciplinary Authority shall complete the entire process of passing the final order within a period of four months from the date of receipt of the inquiry report.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

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