

**Central Administrative Tribunal
Principal Bench**

OA No.3232/2016

New Delhi, this the 23rd day of September, 2016

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

C M Chandolia, Principal Additional Director, Aged 58 years
General, Directorate General of Performance
Management, Customs, Central Excise &
Service Tax, 5 & 6 Floor, Drum Shape
Building, IP Bhawan, I P Estate,
New Delhi.

Also at:

C M Chandolia S/o Late Shri M R Chandolia
Resident of A-163, Mahesh Nagar
Jaipur, Rajasthan-302015. ...Applicant

(By Advocate: Shri Neeraj Kumar Jain, Senior Advocate and Shri
Pratham Kant, along with him)

Versus

1. Union of India through Revenue, Secretary, Ministry of Finance
Department of Revenue, North Block
New Delhi-110001.
2. Central Board of Excise & Customs
North Block, New Delhi-110001
through its Chairman, CBEC Offices
HUDCO Vishala Building, B-Wing
Bhikaji Cama Place, R K Puram
New Delhi-110066.
3. Central Vigilance Commission
Satarkata Bhawan, A-Block, GPO
Complex, INA, New Delhi-110023.
Through its Secretary ..Respondents

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

The applicant is serving as Principal Commissioner/Principal
Additional Director General, Customs, Central Excise and Service Tax,

New Delhi. He has been served with a charge memo dated 6/9.05.2016 initiating disciplinary proceedings under Rule 14 of Central Civil Services (Classification, Control & Appeal) Rules, 1965. The charge memo is accompanied with statement of articles of charge and statement of imputation of misconduct or misbehaviour. The applicant has responded to the charge sheet. The Disciplinary Authority has appointed the inquiry officer as also the Presenting Officer and the inquiry has already commenced.

2. Mr. Neeraj Kumar Jain, learned senior advocate appearing on behalf of the applicant submits that the charge sheet has been framed on the advice of the CVC and thus is vitiated. There is no material on record to indicate that the charge sheet has been framed on the advice of the CVC, assuming there is some advice secured by the disciplinary authority. From perusal of the charge memo, we find that there is no indication or reference to any such advice of CVC. In any case, the charge sheet having been issued by the Disciplinary Authority, it has to be presumed that the Disciplinary Authority has formulated its opinion that *prima facie* a case of misconduct is made out against the applicant.

3. Be that as it may, at this stage, we do not want to formulate any opinion in this regard. The fact remains that the inquiry has commenced. Mr. Jain's submission is that the applicant has not been supplied with the documents. He is at liberty to approach the Inquiring Authority seeking a direction for supply of relevant documents and the Inquiring Authority would consider the request for direction to the respondents for supply of relevant documents to enable the applicant

to defend himself during the course of inquiry. Mr. Jain submits that at least the inquiry should be concluded expeditiously as the applicant is in the line of promotion.

4. In this view of the matter, this OA is disposed of at the admission stage itself with a direction to the Inquiring Authority to complete the inquiry proceedings within a period of four months from the date of receipt of certified copy of this order and submit its report to the Disciplinary Authority, who on consideration of the report of the Inquiring Authority and representation of the applicant, if any, pass consequential order within a period of two months thereafter.

**(V N Gaur)
Member(A)**

**(Justice Permod Kohli)
Chairman**

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