

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/3977/2015

New Delhi, this the 10th day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Shri Anurag Vardhan,
Aged about 47 years,
S/o Shri Harsh Vardhan
R/o Flat No.712, Tower-5
Silver City Apartment,
Sector-93A, Noida (UP) ... Applicant

(Through Shri S.K. Gupta, Advocate)

Versus

Union of India through

1. Secretary
Ministry of Finance
Department of Revenue
North Block, New Delhi
2. Chairman
Central Board of Direct Taxes
Ministry of Finance
Department of Revenue
North Block, New Delhi
3. Director General of Income Tax (Vig.)
Dayal Singh Library
1, Deen Dayal Upadhyay Marg,
Delhi-110002 ... Respondents

(Through Ms. Madhurima Tolia and Shri Hanu Bhaskar,
Advocates)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is an officer of Income Tax Department. CBI registered a case against him in the year 2002 and he was placed under suspension. The closure report was submitted on 19.11.2005 opining that though the material on record is not sufficient to prove the charges against the applicant in the criminal case, the departmental proceedings can be initiated. In view of this, a charge sheet was issued on 30.06.2006. The applicant filed OA 2728/2008 challenging the charge sheet. The OA was allowed by the Tribunal through an order dated 24.02.2010 following the judgment of the Hon'ble Supreme Court in **Union of India Vs. B.V. Gopinath**, 2014 (1) SCC 351. However, it was left open to the respondents to issue a fresh charge sheet. Accordingly, a fresh charge sheet was issued on 11.06.2014. The same is challenged in this OA.

2. Several contentions are urged by the applicant. It is pleaded that once the CBI itself has submitted a closure report, there does not exist any material in the departmental proceedings and that there was no basis for issuance of charge sheet.

3. The respondents filed detailed counter affidavit opposing the OA. They stated that the charge sheet was issued duly taking into account, various omissions on the part of the applicant.

4. We heard Shri S.K. Gupta, for the applicant and Ms. Madhurima Tolia and Shri Hanu Bhaskar, for the respondents.

5. A charge sheet can be interfered with by the Tribunal only, if it is issued by an incompetent authority; or where no misconduct can be made out even if allegations are taken at their face value; or where it was issued in contravention of statutory provisions. None of these grounds exist here. It is thus premature to arrive at any conclusion and it is not permissible in law also.

6. It is brought to our notice that during the pendency of this OA, the IO and Presenting Officers have been appointed. The applicant has also submitted his explanation to the charge sheet.

7. We, therefore, dismiss the OA leaving it open to the applicant to raise all the grounds during the course of the inquiry. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/dkm/