

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/4427/2015

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 Tatia and Shri Hanu Bhaskar,
Advocates)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is an officer of Income Tax Department. An FIR was registered against him in the year 2003 by the CBI. Simultaneously, a charge sheet was issued by the department on 8.09.2005. During the pendency of the criminal case, the applicant filed OA 457/2009, challenging the charge sheet. The OA was allowed on 24.02.2010 following the judgment of the Hon'ble Supreme Court in **Union of India Vs. B.V. Gopinath**, 2014 (1) SCC 351. It was left open to the respondents to issue a fresh charge sheet. Accordingly, a fresh charge sheet was issued to the applicant on 6.01.2014. The same is challenged in this O.A.

2. The applicant contends that the very issuance of the charge sheet is untenable since he has been acquitted in the criminal case.

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 Tatia and Shri Hanu Bhaskar, for the respondents.

5. It may be true that the applicant was acquitted in the criminal case. However, it is fairly well settled that where the

criminal case on the one hand and disciplinary proceedings on the other are initiated on the basis of same evidence, mere acquittal in criminal case by itself does not lead to the charge sheet becoming untenable as standard of proof that is required in criminal case is totally different from the one required in disciplinary proceedings. We are also convinced that the charge in the disciplinary proceedings is wider in its purport than the one in the criminal case.

6. It is brought to our notice that the respondents have appointed Presenting Officer and Inquiring Authority in this case. The applicant has also filed his explanation. He can raise the questions of fact and law during the course of the inquiry.

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

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