

**Central Administrative Tribunal
Principal Bench**

OA No.3250/2018

New Delhi, this the 30th day of August, 2018

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

Jitendra Pratap Singh, IRS
(aged 44 years)
S/o Late S. B. Singh
Addl. Commissioner
Presently attached to office of Chief Commissioner,
Central GST and Customs, Shillong Zone,
Crescens Building, 3rd Floor, MG Road,
P.O. Shillong 793001. Applicant.

(In person)

Vs.

Union of India and Anr. Through

1. The Secretary
Govt. of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs,
North Block,
New Delhi 110 001.
2. The Chairman
Central Board of Indirect Taxes and Customs,
North Block,
New Delhi 110 001.
3. The Under Secretary
613, HUDCO Vishala Bldg.
Bhikaji Cama Place,
Ministry of Finance
Department of Revenue,
Central Board of Indirect Taxes and Customs,
New Delhi 110 001. ... Respondents.

(By Advocate : Shri Gyanendra Singh)

: O R D E R (ORARL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant is an officer of Indian Revenue Service. Disciplinary proceedings have been initiated against him by issuing a charge memo dated 15.03.2018, with certain articles of charge. The applicant submitted his explanation to the same. Through an order dated 08.08.2018, the Disciplinary Authority appointed the Inquiry Officer. The applicant contends that he made a request to the Disciplinary Authority to give him personal hearing in terms of sub-rule 4 of Rule 14 of CCS (CCA) Rules, 1965, and without acceding to his request, the order appointing an Inquiry Officer was passed. He challenges the said order and seeks the relief in the form of a direction to the respondents to give personal hearing to him.

2. Heard the applicant who filed the OA, in person, and Shri Gyanendra Singh, learned standing counsel for the respondents.

3. Rule 14 of the CCS (CCA) Rules, 1965, is a comprehensive provision dealing with various aspects of disciplinary proceedings. Sub-rule 4 thereof, mandates that once the Disciplinary Authority causes the service of

memorandum of charges, and the charged officer submits his explanation, the former is required to ask the latter whether he desires to be heard in person. It is only thereafter, that the further proceedings are to take place. Sub Rule 4 of Rule 14 of CCS (CCA) Rules reads as under:-

“(4) The Disciplinary Authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehavior and a list of documents and witnesses by which each article or charges is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and state whether he desires to be heard in person.”

4. Vide a separate application dated 02.06.2018, the applicant made a request to the Disciplinary Authority to furnish certain documents, and to grant him an opportunity of being heard. Whatever be the acceptability of the request to furnish the documents at that stage, the Disciplinary Authority was under obligation to give the applicant an opportunity of being heard. The question of furnishing documents would arise at the stage of disciplinary proceedings. We do not find it necessary to set aside the order appointing the IO. That, however, would be subject to the view, which the Disciplinary Authority may take, on hearing the applicant.

5. We, therefore, partly allow the OA, directing the Disciplinary Authority to grant the applicant, an opportunity of being heard. So far as the request for furnishing of documents is concerned, it shall be dealt with by the Inquiry Officer, if the inquiry continues. We make it clear that only such of the documents, as are relied upon in the disciplinary proceedings shall be furnished, and not others, if not relied upon.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/