

## Central Administrative Tribunal Principal Bench

OA-813/2017

**New Delhi, this the 30<sup>th</sup> day of May, 2018**

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

C.M. Chandolia,  
Principal Additional Director General,  
Directorate General of Performance Management,  
Customs, Central Excise & Service Tax,  
5<sup>th</sup> and 6<sup>th</sup> Floor, Drum Shape Building,  
IP Bhawan, IP Estate, New Delhi.

### Also at

C.M. Chandolia,

Aged 58 years,

S/o late M.R. Chandolia,

R/o A-163, Mahesh Nagar

... Applicant

(through Ms. Vidyhush Shubham)

## Versus

1. Union of India,  
Through Secretary(Revenue),  
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

(through Sh. Rajeev Kumar)

**ORDER (ORAL)****Hon'ble Mr. K.N. Shrivastava, Member (A)**

The applicant was issued memorandum of charges dated 06.09.2016 in which the following charges were framed:

"The President proposed to hold an enquiry against Shri C.M. Chandolia, Principal Commissioner under Rule 14 of the Central Civil Service (Classification, Control and Appeal) Rules 1965. The substance of Imputations of Misconduct in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of Charges (Annexure-1). A statement of the imputation of misconduct in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom, the Articles of Charge are proposed to be sustained are also enclosed (Annexure -III & IV).

2. Shri C M Chandolia, Principal Commissioner is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.
3. Shri C M Chandolia, Principal Commissioner is informed that an inquiry will be held only in respect of those Articles of Charge that are not admitted. He should, therefore specifically admit or deny each Article of Charge.
4. Shri C M Chandolia, Principal Commissioner is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/ directions issued in pursuance of the said Rule, the Inquiring Authority may hold the inquiry against him ex-parte.
5. Attention of Shri C M Chandolia, Principal Commissioner is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Govt. servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his/her interest in respect of matters pertaining to his/her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri C M Chandolia, Principal Commissioner is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the Central Civil Services (Conduct) Rules, 1964.
6. The receipt of this Memorandum may be acknowledged."

2. The applicant has challenged the charge memorandum in the OA and prayed for the following reliefs:

"a) Quash and set aside the charge Memorandum No. 9/2016 dated 6/9.05.2016 issued by the respondent authority.

b) Quash and set aside the proceedings initiated pursuant to the impugned Memorandum no. 9/2016 dated 6/9.5.2016 and set aside the Orders passed in the said proceedings.

c) pass such other or further order(s) in the favour of the Applicant as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case and in the interest of justice."

3. The learned counsel for the applicant submitted that pursuant to the charge memo, inquiry was conducted and the inquiry officer submitted his report dated 03.10.2017 to the disciplinary authority and that the disciplinary authority has provided a copy of the inquiry officer's report to the applicant seeking his representation against the same. She also submits that applicant has submitted his representation against the inquiry officer's report on 11.11.2018. She further submits that the applicant is due to retire from service on 31.07.2018 on attaining the age of superannuation and thus prays that this OA may be disposed of with a direction to the Disciplinary Authority to pass final order in the DE proceedings.

4. We feel that the aforementioned prayer of the learned counsel is quite reasonable and worthy of consideration. Accordingly, we dispose of this OA with a direction to the Chairman, CBEC to pass

the final order in the disciplinary proceedings within a period of four weeks from the date of receipt of certified copy of this order.

Order **Dasti**.

**(K.N Shrivastava)**  
**Member (A)**

**(Justice Dinesh Gupta)**  
**Chairman**

/ns/