

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00892/2018

Dated Wednesday the 25th day of July Two Thousand Eighteen

PRESENT

**HON'BLE MR. R. RAMANUJAM, Member (A)
&
HON'BLE MR. P. MADHAVAN, Member (J)**

P.Kathirvel,
401/6, Central Revenue Quarters,
15th Main Road, Anna Nagar West,
Chennai 600040.Applicant

(Party in person)

Vs

1. The Union of India rep by,
The Secretary, Dept of Revenue, Ministry of Finance,
Govt. of India, North Block, New Delhi.
2. Director General Vigilance,
CBEC, 1st and 2nd floor,
Hotel Samrat, Kautilya Marg, Chanakyapuri,
New Delhi 110021.
3. The Under Secretary (Ad-V),
CBEC, 613, 6th floor, Hudco-Vishala Building,
Bikaji Cama Place, New Delhi 110066.
4. The Inquiry Authority/Additional Commissioner,
O/o. The Commissioner of GST and Central Excise (Appeal-I),
2nd floor, GST Bhavan,
No. 121, Mahatma Gandhi Road, Nungambakkam,
Chennai 600034.Respondents

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

"i. Call for the records in which the 1st respondent ordered for initiation of the impugned proceedings and issual of the impugned memorandum and set aside the same as illegal, arbitrary, discriminatory, unreasonable, unjust, inequitable and thus render justice.

ii. Set aside the Memorandum no. 23/2017 in F. No. C. 14011/27/2015-Ad. V/4534 dt. 16.06.2017 as illegal, arbitrary, discriminatory, unreasonable, unjust, inequitable and thus render justice.

iii. Pass such order or others as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

2. The applicant present in person submits that a charge memo dt. 16.06.2017 was issued against him proposing a departmental enquiry (Annexure A1). The applicant sought original documents listed in support of the charges as documentary evidence in order to enable him to reply to the charge memo. However, the authorities gave him only photo copies of the relevant documents without any certification or attestation thereon. Accordingly, the applicant would be satisfied if the respondents are directed to provide him with either the original or certified true copies of the original documents to enable him to defend his case effectively and meaningfully.

3. The applicant produces a copy of the standing orders in this regard issued by 1st respondent dt. 24.02.2011 which clearly states

that the disciplinary authorities must ensure the departmental proceedings were based only on original / authenticated copies of the documents relied upon by the applicant. Also, while making a reference to the DGoV/Board bringing out alleged irregularities in respect of a case involving a Gr. A officer or seeking first stage advice in respect of a Gr. B officer or seeking sanction of the President under Rule 9 for initiating action against a retired employee, it must be ensured that only authenticated copies of the documents sought to be relied upon are sent for consideration, it is stated.

4. The applicant also submits that he has been unable to submit written submission of defence in the absence of certified copies. Nevertheless, the respondents appointed the Inquiry Officer and the inquiry is proceeding and the applicant is also cooperating in the inquiry without prejudice. However, he insists on original/certified copies of the documents thereof.

5. We have considered the submission. Instructions already exist for copies of the documents listed in support of the charges to be provided to the charged officer, even at the initial stage in order to cut down delays in the matter concerning departmental enquiries. Even otherwise, since the disciplinary authority has an inherent power to review, modify or drop the charges after the receipt of written defence as clarified in G.I.M.H.A. OM dated 12.03.1981 and OM dt.

08.12.1982, the applicant would have a right to submit an effective defence based on authentic records. Further, in terms of the OM referred to by the applicant of the 1st respondent dt. 24.02.2011, the inquiry should proceed on the basis of original/authenticated copies and not based on uncertified photocopies of the documents.

6. In view of the above, we have no hesitation to direct the respondents to provide the applicant with certified copies of the original documents within a period of three weeks from the date of receipt of a copy of this order. The applicant is granted two weeks time thereafter to submit his written statement of defence. When such a written statement is submitted by the applicant within the time limit, the respondents shall consider the matter accordingly and take a decision regarding the need to continue with the inquiry. Any proceedings by the Inquiry Officer in the meantime shall be deemed to be provisional subject to such decision by the competent authority.

7. OA is disposed of with the above direction at the admission stage.

(P. Madhavan)
Member(J)

SKSI

25.07.2018

(R.Ramanujam)
Member(A)