

**Central Administrative Tribunal
Principal Bench**

OA No.2257/2017

New Delhi, this the 15th day of March, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Mohd. Jamshed, Member (A)**

Sh. Pawan Kamra
DANICS (Ad hoc), Group 'B',
Presently posted as DC
Department of Food Safety under
Transfer to Employment Department
S/o. Late Sh. Raj Krishan Kamra
Aged about 57 years,
R/o. B-18, Suvidha Apartments
Sector-13, Rohini, Delhi – 110 085. ...Applicant

(By Advocate : Shri Nilansh Gaur)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary,
Delhi Secretariat, New Delhi.

2. Special Secretary,
Services Department
Govt. of NCT of Delhi
Delhi Secretariat
7th Level, B-Wing,
I.P. Estate, New Delhi. ...Respondents

(By Advocate : Shri Sameer Sharma)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant is an officer of the Directorate of Taxes, GNCTD, the first respondent herein, and at

present is posted as Sub-Regional Employment Officer under the Employment Department. A charge memo was issued to him on 18.04.2017 alleging certain acts of misconduct referable to his functioning as Value Added Tax Officer(VAT) in Ward No.61, during the year 2009. The proceedings, in turn, were based upon certain steps taken by the ACB of Delhi Administration. This OA is filed challenging the charge memo.

2. It is stated that there was absolutely no basis for initiation of the proceedings, particularly when the ACB itself was unable to make any progress in the matter. According to the applicant, the events that have taken place way back in the year 2009 are being reopened, just to harass him and to prevent further progress in his career.

3. The respondents filed a detailed counter affidavit raising objection as to the maintainability of the OA. It is stated that the charge memo was issued by the competent authority and the truth or otherwise of the charge, needs to be examined only in the disciplinary inquiry.

4. The applicant filed rejoinder enclosing certain documents in original mostly emanating from the ACB Branch.

5. We heard Shri Nilansh Gaur, learned counsel for the applicant and Shri Sameer Sharma, learned counsel for the respondents.

6. The applicant challenges the charge memo dated 18.04.2017 issued to him by the respondents. The only charge alleged against him is referable to his functioning as VAT Officer in the year 2009.

7. The occasion for us to examine the legality of the charge memo would have arisen if only it was issued by an officer not competent to do so; or if the charges, even if taken on face value, cannot be construed to be as acts of misconduct. Neither of the grounds exist in the instant case.

8. During the pendency of the OA, the departmental inquiry was proceeded with and the inquiry officer submitted a report dated 28.05.2018. We are of the view that the OA can be disposed of by directing the

Disciplinary Authority to conclude the proceedings as early as possible, not exceeding a period of three months from the date of receipt of this order.

9. It is brought to our notice that the applicant submitted a brief reply to the report of the Inquiry Officer. He is permitted to submit a detailed reply raising all grounds which he intends to.

10. We, therefore, dispose of the OA, directing the Disciplinary Authority to conclude the proceedings referable to the charge memo dated 18.04.2017, within a period of three months from the date of receipt of a copy of this order, duly taking into account the grounds which the applicant may raise in the representation which he may submit in addition to what he has submitted earlier. There shall be no order as to costs.

(Mohd.Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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