

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.877/2018

This the 4th day of January, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Sh. Mukesh Kumar Bhardwaj,
Aged about 48 years, S/o Sri Niwas Singh,
R/o Flat No. 35L, CPWD Colony,
Vasant Vihar, New Delhi-110057

(Sr. Intelligence Officer with R-3)

....Applicant

(By Advocate: Shri S.K. Gupta)

VERSUS

Union of India through

1. Secretary, Department of Revenue,
Ministry of Finance,
North Block, New Delhi
2. Chairman,
Central Board of Indirect Tax & Customs,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi
3. Director General,
Goods & Service Tax Intelligence,
West Block-8, Wing No. 6,
2nd Floor, R.K. Puram,
New Delhi-110066
4. Additional Director General (Headquarters),
Goods & Service Tax Intelligence,
West Block-8, Wing No. 6,
2nd Floor, R.K. Puram,
New Delhi-110066
5. Chief Commissioner,
Central Goods & Service Tax,
Ranchi Zone, Central Revenue Building,

Bir Chand Patel Path,
Patna

6. Commissioner, Central Goods & Service Tax,
Patna-I, Central Revenue Building,
Bir Chand Patel Path,
Patna

7. Dr. Puneeta Bedi, Dy. Director,
O/o DGGST Intelligence (Headquarter),
West Block-8, Wing No.6,
2nd Floor, R.K. Puram,
New Delhi-110066

...Respondents

(By Advocate Shri Hanu Bhaskar)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant is working as Superintendent, Customs and Central Excise. A complaint was made against him by a woman employee in the office, alleging acts of sexual harassment. The matter was referred to the Internal Complaints Committee (ICC) of the department.

2. After conducting a detailed inquiry, the ICC submitted a report on 16.10.2017 strongly recommending initiation of disciplinary action against the applicant under the CCS(CCA) Rules, 1965. An observation was also made as regards the feasibility of initiation of proceedings under the Sexual Harassment of

Women at Work Place(Prevention, Prohibition and Redressal) Act, 2013.

3. The applicant was placed under suspension through order dated 08.05.2017. Thereafter, the Suspension Review Committee extended the period by another 90 days through order dated 03.08.2017.

4. This OA is filed challenging the report of the ICC dated 16.10.2017, the order of suspension dated 08.05.2017 and the order of extension of suspension dated 03.08.2017.

5. The applicant contends that the ICC answers the description of the Inquiry Officer, in view of Proviso to Rule 14(2) of the CCS(CCA) Rules and once the report is submitted, no further inquiry is necessary and the action can straight away be taken by the disciplinary authority. It is also pleaded that the suspension was totally unwarranted and that the suspension Review Committee did not take, the relevant factors into account.

6. The respondents filed counter affidavit opposing the OA. It is stated that the allegation against the applicant was very serious and the ICC has taken action as provided under the relevant Rules. It is further stated

that the suspension was ordered having regard to the gravity of allegation and that the Review Committee has also taken all the relevant aspects into account.

7. We heard Shri S.K. Gupta, learned counsel for the applicant and Shri Hanu Bhaskar, learned counsel for the respondents.

8. The applicant challenges three proceedings in this OA: first is the report of the ICC, the second is the order of suspension and the third is the order passed by the Suspension Review Committee. Though an objection is raised as to the maintainability of the OA claiming bunch of reliefs, we do not consider the same at this stage.

9. In its report, the ICC recommended that the disciplinary action against the applicant be taken by the Disciplinary Authority. The contention of the applicant is that further inquiry in this regard may not be necessary. It is too early for us to make an observation in this behalf. On consideration of the report the Disciplinary Authority may choose to treat the report as holding good for imposition of the penalty or he may consider the feasibility of getting the matter further examined.

10. So far as the order of suspension is concerned, we do not find any basis to interfere with the same. The allegation against the applicant is serious and suspension

was very much warranted. The Review Committee has also taken the gravity of the allegation into account while extending the suspension. Extension of the suspension was very much warranted when the proceedings were taking place before ICC.

11. Under these circumstances, we dispose of the OA directing that:

- (a) the Disciplinary Authority i.e., the 5th respondent herein, shall take a decision within six weeks from the date of receipt of a copy of this order as regards the nature of action to be taken on the basis of the report dated 16.10.2017 submitted by the ICC, in accordance with the relevant provisions of law;
- (b) the challenge to order of suspension and extension of suspension is rejected. However, the Suspension Review Committee shall take into account, the developments that have taken place so far, when it meets next.

12. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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