

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 1998/2014

This the 8th day of August, 2019

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

Sh. Inderjeet Kakkar
Aged about 57 years,
S/o. Late Shri T. C. Kakkar
R/o. 88-D, DG-II, Vikaspuri,
New Delhi. ...Applicant

(By Advocate : Mr. A. K. Singh with Mr. Sidharth Joshi)

Versus

1. Union of India
Through Secretary (Revenue)
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. Commissioner of Service Tax
17-B, IAEA House, MG Marg,
New Delhi 110 002.
3. Arun Kumar, Asstt. Commissioner,
(Inquiry Officer)
Custom, IGI Airport, Terminal-III, New Delhi.
4. Sh. E. Horro, Superintendent
(Presenting Officer)
Custom, IGI Airport, Terminal-III,
New Delhi. ...Respondents

(By Advocate : Mr. Shailendra Tiwari)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant is working as a Superintendent in the

Customs at Central Excise Department. As regards his functioning in the Drawback Section in Indira Gandhi International Airport, New Delhi, a charge memo dated 03.09.2012 was issued to him. It was alleged that he processed an unauthorised supplementary duty drawback by increasing the quantity, and rate per piece, in violation of the prescribed procedure and that he was not vigilant enough to ensure that his Login ID was not manipulated. This was followed by appointment of an inquiry officer on 23.10.2013 and this O.A is filed challenging the charge memo and other consequential proceedings. The applicant contends that the allegations made against him in the charge memo are totally incorrect and baseless and that he cannot be subjected to unnecessary persecution.

2. The respondents filed counter affidavit opposing the O.A. It is stated that the truth or otherwise of the allegations contained in the charge memo can be examined only in the inquiry and that the O.A is not maintainable.

3. We heard Mr. A. K. Singh with Mr. Sidharth Joshi, learned counsel for applicant and Mr. Shailendra Tiwari, learned counsel for respondents.

4. The challenge in this O.A is to the charge memo issued way back in the year 2012. The record discloses

that there was no stay of proceedings. It is not known as to whether the proceedings have culminated in final order or they are still pending. Either way, we do not find any basis for quashing the charge memo. Neither it is alleged that the charge memo was issued by an authority not vested with the power nor it is stated that no misconduct can be perceived, even if the allegations contained in the charge memo was taken as true.

5. Therefore, we dismiss the O.A. It is directed that, in case the disciplinary proceedings are still pending, they shall be concluded within a period of three months from the date of receipt of a certified copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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