CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG,NEW DELHI-110001

Order Sheet

Item no.: 5
O.A./3098/2022 (DELHI)
[DISCIPLINARY PROCEEDING]
Court No.: 2

No of Adjournment:

Order Dated: 20/10/2022

VIVEK BATRA
Vs
REVENUE

For Applicant(s) Advocate : Mr. Nilansh Gaur

For Respondent(s) Advocate : Mr. R K Jain

Order of The Tribunal

O.A. No. 3098/2022

The applicant has challenged the disciplinary proceedings initiated against under Rule 14 of the CCS (CCA) Rules, vide order dated 09.10.2012. The inquiry into the article of charges framed against him is since complete and the Inquiry Officer has already submitted his report. A copy of which has been furnished to the applicant affording him an opportunity to make a representation against the same , if he so wishes.

The applicant in response has submitted a representation on 15.09.2022. However, the background and circumstances in which the applicant has approched this Tribunal at this stage of the disciplinary proceedings is that he has a reasonable apprehension that the disciplinary authority has already expressed agreement with the inquiry report and is likely to carry forward such a bias to the detriment of the interest of the applicant.

To substantiate this contention, the learned counsel for the applicant briefly takes us through the history and background of this case drawing attention to the relevant file notings which he has annexed with this OA, establishing the fact that all through the relevant authorities in the Central Board of Direct Taxes/ Ministry of Finance were of the opinion that the matters needs to be settled only with an administrative model and prima facie he does not call for a regular departmental proceeding.

Learned counsel submits that the documents on record establish the fact that the disciplinary authority, which in this case, is the Finance Minister of the country had also agreed that the advice of the CBC to hold regular disciplinary proceedings was not canible and the matter should be settled with a simple administrative model. However, for reasons not known, this decision/opinion was later on reversed which, according to the learned counsel for the applicant, gives a strong stink of a pre-determined bias against the applicant. He argues that in case his prayer for Interim Relief of a stay on further action in the disciplinary proceedings is not granted, the applicant is likely to suffer serious and irreversible damages.

Issue notice.

Mr. R K Jain, appearing on behalf of the respondents, accepts notice. He vehemently opposes the prayer as set out in para 9 of the O.A., seeking interim relief and submits that on the one hand, the OA is obviously time barred as the disciplinary proceedings were initiated against the applicant as far back as 2012. He submits that the applicant at no stage chose to asail the said proceedings and it is too belated a stage, when the disciplinary proceedings is about to reach finality, the applicant is challenging the same. He further submits that in any case he would need to obtain appropriate instructions and ascertain the facts of the case so that he can effectively assist the Court.

We have heard the learned counsels for the parties and gone through the documents on record. Without going into the merits of the contentions made by either of the counsels, we note that it has taken more than ten years for these disciplinary proceedings to be processed. The proceedings may be at their final stage but they are yet to be concluded.

Accordingly, no prejudice would be caused to the respondents if we direct them to keep further action pursuant to these disciplinary proceedings in abeyance till the next date of hearing for which a short duration of ten days is afforded to the learned counsel for the respondents to obtain appropriate instructions and ascertain the factual matrix of the case. Learned counsel for the respondents is agreeable that he would be in a position to obtain the relevant instructions within this time.

List on 04.11.2022.

M.A. No. 3096/2022

The present MA filed by the applicant seeking exemption from filing certain documents. The same is allowed subject to just exceptions.

Tarun Shridhar	**R. N. Singh**
Member (A)	**Member (J)**

/aks/