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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4439/2015**

UNION OF INDIA & ANR

..... Petitioners

Through

Mr. R.V.Sinha and Mr. A.S.Singh,
Advocates

versus

B.B. MOHANTY

..... Respondent

Through

Mr. S.K.Gupta, Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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11.12.2019

1. This is a petition by the Union of India through the Ministry of Finance and the Central Board of Direct Taxes challenging an order dated 31st March, 2014 passed by the Central Administrative Tribunal ('CAT') allowing the Respondent's OA No. 1208/2013 and quashing the charge memorandum dated 21st December, 2012 issued to him under Section 14 of the Central Civil Services (CCS) Rules, 1965.

2. The Respondent is an Indian Revenue Service Officer. He was promoted as Director General of Income Tax (Investigations) and posted in Calcutta with effect from 16th August, 2010. Ten days prior to superannuation on 31st December, 2012, he was issued the impugned charge memorandum with four Articles of Charge pertaining to events from Assessment Year 2004-2005 onwards.

3. Although the charge memorandum mentioned a large number of documents, under the caption ‘list of witnesses’ it was indicated there were ‘Nil’ witnesses. The CAT has quashed the aforementioned memorandum essentially on the ground that there was an inordinate delay ranging from 4 to 8 years in initiating the disciplinary proceedings and further that there was no witness cited by the Department to prove the charges. It was observed that “unless there are witnesses to prove the charge, mere listing of the matter is of no use.” Reference was made to the decisions in ***Modula India v. Kamakshya Singh Deo (1988) 4 SCC 619 and Roop Singh Negi v. Punjab National Bank 2009(2) SCC 570.***

4. Having heard learned counsel for the parties, in the facts and circumstances of the present case the Court is unable to find any legal error in the impugned judgment of the CAT. . By a separate order passed today in W.P.(C) 4471/2014 (***Union of India v. Ritu Chaudhary***), this Court has upheld another order of the CAT, where disciplinary proceedings were quashed *inter alia* on the grounds of inordinate and unexplained delay and for failure to file a list of witnesses along with a Memorandum of charge.

5. The petition is accordingly dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 11, 2019

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