

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION NO.21360 OF 2012

29.01.2020

Between:

K. Ram Reddy

...Petitioner

And

Union of India and others

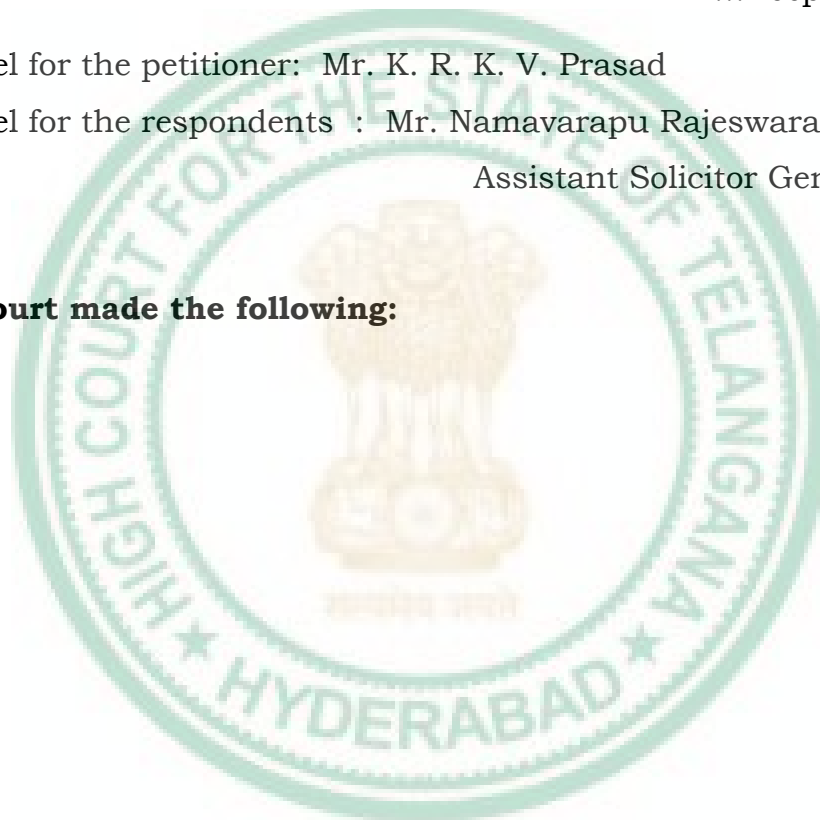
...Respondents

Counsel for the petitioner: Mr. K. R. K. V. Prasad

Counsel for the respondents : Mr. Namavarapu Rajeswara Rao

Assistant Solicitor General

The Court made the following:



ORDER: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The petitioner has challenged the legality of the order dated 25.04.2012, passed by the learned Central Administrative Tribunal, Hyderabad Bench, whereby the learned Tribunal has dismissed the O.A.No.1237 of 2010 filed by the petitioner-applicant ("the applicant", for short).

Briefly, the facts of the case are that the applicant was working as a Superintendent of Customs & Central Excise. On 16.07.2007, he was sent on deputation to Air Customs, Begumpet Airport, Hyderabad. While he was on duty, during the intervening night of 1st and 2nd February, 2008, the CBI, Hyderabad, conducted a raid in the premises of the Air Customs inside the Airport Area. As a consequence of this raid, the CBI registered a case, namely Case No.RC3(A) of 2008, and commenced its investigation against three officers, including the applicant, and four other contingent employees.

After completing the investigation, the CBI filed a charge sheet, namely C.C.No.26 of 2009, before the Special Judge for CBI Cases, Hyderabad. The CBI also recommended that departmental action should be initiated against the applicant. Consequently, on 16.07.2010, a charge-memo was issued to the applicant. However, the applicant was of the view that the charge-sheet filed before the Criminal Court and the charge-sheet furnished to him for the departmental enquiry were based on the same facts and circumstances. Therefore, the applicant submitted a representation on 09.08.2010 before the Commissioner of Central Excise, the respondent No.4, requesting that the departmental proceedings may be dropped during the tenure of the criminal

trial. However, notwithstanding the said representation, by order dated 06.09.2010, the respondent No.4 appointed the Additional Commissioner (P&V), the respondent No.6, as the enquiry officer. Consequently, the respondent No.6 directed the applicant to appear before him on 30.11.2010. Since the applicant was aggrieved by the continuation of the departmental enquiry, he filed the present O.A before the learned Tribunal. However, by the impugned order, the learned Tribunal dismissed the O.A. Hence, the present petition before this Court.

By order dated 16.07.2012, a learned Coordinate Bench has stayed the operation of the impugned order.

Mr. K. R. K. V. Prasad, the learned counsel for the petitioner, submits that as against the other co-delinquent officers, the departmental enquiry has already been completed. Therefore, the departmental enquiry against the applicant should be directed to be completed within a stipulated period of time. The learned counsel further submits that since there are only eight witnesses to be examined on behalf of the Department, the respondents should be directed to complete the departmental enquiry within a period of three months.

Considering the fact that the departmental enquiry has been hanging fire since 2010, considering the fact that only eight witnesses need to be examined by the Department, the respondents are directed to complete the departmental enquiry against the applicant as expeditiously as possible, and preferably within a period of three months from the date of receipt of a certified copy of this order.

With these directions, the present writ petition stands disposed of. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

29th January, 2020
JSU



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