



\$~Suppl.-24

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

+ W.P. (C) 1468/2021, CM APPLs. 4223-24/2021

UNION OF INDIA & ORS.Petitioners

Through: Mr. Ravi Prakash, CGSC.

Versus

SHRI JITENDRA PRATAP SINGHRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **12.02.2021**

The petition has been heard by way of video conferencing.

Present writ petition has been filed challenging the order dated 30th August, 2018 passed by the Central Administrative Tribunal, Principal Bench [CAT] which partly allowed the OA preferred by the respondent.

Learned counsel for the petitioners states that respondent is an officer of Indian Revenue Service who had disciplinary proceedings initiated against him. He states that an Inquiry Officer was appointed and the respondent made a request for grant of a personal hearing in terms of sub-rule 4 of Rule 14 of CCS (CCA) Rules, 1965 which was allowed by the CAT vide the impugned order.

Learned counsel for the petitioners submits that the CAT failed to appreciate that Rule 14(4) of the CCS (CCA) Rules does not impose an obligation upon the Disciplinary Authority to give the respondent an



opportunity to be heard in person. He further submits that Rule 14 (4) CCS(CCA) Rules must be read along with Rules 14 (2), 14(5) and 14(7). He emphasises that in the present case, the respondent, without filing his written statement of defence, had expressed his desire to be heard in person vide letters dated 01st April, 2018 and 02nd June, 2018.

Learned counsel for the petitioners submits that as per Rule 14(5) (b) of the CCS (CCA) Rules, 1965, the Disciplinary Authority is empowered to enquire into the charges itself or by appointing an Inquiry Officer if no written statement of defence is submitted by the Charged Officer. He points out that in the present case, the Inquiry Officer has already been appointed to enquire into the charges and hence it is clear that the opportunity of being heard in person has to be given by the Inquiry Authority.

Issue notice to the respondent by all modes, returnable for 18th August, 2021.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

FEBRUARY 12, 2021
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