

(2011) 03 GUJ CK 0069

In the Gujarat High Court

Case No : Special Civil Application No. 2273 of 2004

Union of India (UOI) and Others

APPELLANT

Vs

R.P. Jadeja

RESPONDENT

Date of Decision : 31-03-2011

Acts Referred:

Central Civil Services (Classification, Control and Appeal) Rules, 1965 — Rule 14

Citation : (2011) 03 GUJ CK 0069

Hon'ble Judges : V.M. Sahai, J;G.B. Shah, J

Bench : Division Bench

Advocate : R.V. Acharya, for Petitioner 1-3 and Jitendra Malkan, for the Appellant; J.A. Adeshra, for the Respondent

Final Decision : Dismissed

Judgement

V.M. Sahai, J.—We have heard Ms. R.V. Acharya, learned Counsel for the Petitioners and Mr. J.A. Adeshra, learned Counsel for the Respondent. This petition has been filed challenging the order of the Central Administrative Tribunal, Ahmedabad dated 7.2.2003 passed in O.A. No. 115 of 2002. The brief facts of the case are that the Respondent was working as Inspector of the Central Excise and Customs under Respondent No. 3. He was served with a charge sheet on 5.12.1994 under Rule 14 of the Central Civil Services (CCA) Rules, 1965 and after departmental proceedings, he was dismissed from service on 7.10.1997. The Petitioners filed appeal which was allowed by the Appellate Officer on 24.8.1998. The Respondent was directed to be reinstated in service with reduction of pay for two stages for a period of four years with effect from 8.10.1997. The Respondent had already suffered the punishment imposed by order dated 24.8.1998. After the punishment was undergone by the Respondent, the Petitioner passed order dated 24.12.2001 for holding de-novo inquiry against the Respondent. This order was challenged by the Respondent before the Tribunal. The Tribunal, by judgment dated 7.2.2003, set aside the order for holding fresh inquiry dated 24.12.2001. This order dated 7.2.2003 is challenged

by the Petitioner in this writ petition.

2. It could be disputed by the learned Counsel for the Petitioner that the Petitioner had served out the penalty imposed on him by order dated 24.8.1998. In our opinion, the Tribunal has rightly set aside the order passed by the Petitioner and directed to hold de-novo inquiry. The Respondent cannot be punished twice on the same charges. The view taken by the Tribunal is perfectly just and legal. We do not find any illegality in the order passed by the Tribunal.

3. In the result, this petition fails and is accordingly dismissed. Rule is discharged.