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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1216/2002

New Delhi, this the 27th day of May, 2002

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

R.D.Gupta
Flat No.51-C, Pocket-B
Gangotri Enclave
Alaknanda
New Delhi-110019.

... Applicant

(By Advocate Shri G.K.Aggarwal)

V E R S U S

1. Union of India through
Secretary
Ministry of Urban Development &
Poverty Alleviation
Nirman Bhawan
New Delhi-110011.
2. The Chairman
Central Board of Direct Taxes
North Block
New Delhi-110001.
3. The Director General (Works)
Central Public Works Deptt.
Nirman Bhawan
New Delhi-110011
4. The Chief Vigilance Commissioner
Central Vigilance Commission
Satarkata Bhawan, GPO Complex, INA
New Delhi -110023. ... Respondents

ORDER (ORAL)

S.A.T.RIZVI:-

While working as a Member of the appropriate authority under the Income Tax Law, the applicant has taken certain decisions as a Member of the authority involving valuation of immovable property in certain cases. He served as a Member of the said authority from 25.7.1996 to 28.12.1998 and has thereafter reverted to

the CPWD where he is presently working as Chief Engineer. A letter dated 5.8.1999 (Annexure A/1) has been issued by the Director General (Works), C.P.W.D. calling ^{upon} ~~for~~ the applicant's explanation in respect of certain decisions taken by him as a Member of the said authority.

2. The learned counsel appearing on behalf of the applicant submits that the aforesaid letter at Annexure A/1 is uncalled for inasmuch as the applicant's conduct as a Member of the appropriate authority cannot be investigated for the reason that he was then working in a quasi judicial capacity. According to him, there is no allegation of corruption against the applicant and in the absence of such an allegation, no issue can be raised against the conduct of a quasi judicial authority. In support of his contention, the learned counsel has placed reliance on Zunjarrao Bhikaji Nagarkar v. Union of India & others decided by the Supreme Court on 6.8.1999 (JT 1999 (5) SC 366). The learned counsel ~~is~~ ^{is} apprehending ^{that} ~~ing~~ that the respondents are planning to issue a charge-sheet against the applicant on the basis of the aforesaid letter. ² ~~The~~ Representations have been filed by the applicant on 12.11.1999, 21.3.2001 and thereafter on 2.4.2002. There has been no response to these from the respondents so far.

3. Having regard to the submissions made by the learned counsel and the aforesaid facts and circumstances, we find it in order to dispose of the present OA at this stage itself even without issuing

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notices with a direction to the respondents to consider the aforesaid representations and to pass a speaking and a reasoned order thereon as expeditiously as possible. We direct accordingly. We also direct the respondents not to proceed to take any further action in the matter until the representations have been disposed of as above and period of 15 days thereafter has elapsed.

4. OA is disposed of in the aforestated terms.

Issue dasti



(S.A.T. RIZVI)
Member (A)


(Ashok Agarwal)
Chairman

/sns/