

(9)

Central Administrative Tribunal, Principal Bench

Original Application No. 3035 of 2002

New Delhi, this the 22nd day of November, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Shri Vishwa Bandhu Gupta,  
S/o late Shri V.L.C. Gupta,  
Additional Commissioner  
(Income Tax) (Under Suspension)  
R/o B-1/522, Vasant Kunj,  
New Delhi-70

....Applicant

(By Advocate: Shri Rakesh Tikku)

Versus

1. Union of India,  
Through its Secretary,  
Department of Revenue,  
Ministry of Finance,  
North Block, New Delhi-1
2. Chairman,  
Central Board of Direct Taxes,  
North Block, New Delhi-1
3. Chief Commissioner of Income Tax,  
Central Revenue Building,  
I.P. Estate,  
New Delhi-2

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

Applicant (Shri Vishwa Bandhu Gupta) was working as Additional Commissioner of Income Tax. Presently he is under suspension. Admittedly, disciplinary proceedings had been initiated against the applicant.

2. By virtue of the present application, applicant seeks quashing of the order of 6.9.2002 with respect to his continuous suspension, alleging the same to be illegal and unjust.
3. In all fairness, we deem it necessary to mention

*Ms Ag*

that keeping in view certain events that have been pointed in the application, it becomes unnecessary to ponder with respect to the main grievance that has been made in the application. The reasons are obvious. It is not in dispute that the report of the enquiry officer has since been submitted. We are told that in pursuance of the notice, the applicant had submitted his reply to the disciplinary authority.

4. It is these facts which weigh heavily with us and, therefore, instead of reverting to the claim of the applicant pertaining to quashing of the order dated 6.9.2002, we direct the disciplinary authority to consider the material on record and in accordance with law, pass an order with respect to the disciplinary proceedings which had been initiated. Preferably this should be done within two months from the receipt of the certified copy of the present order. It should be communicated to the applicant in this regard. While doing so, the disciplinary authority will also decide with respect to the suspension order of the applicant and pass a speaking order in that regard. O.A. is disposed of.

Issue DASTI.

V.K. Majotra  
( V.K. Majotra )  
Member(A)

V.S. Aggarwal  
( V.S. Aggarwal )  
Chairman

/dkm/