

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

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Original Application No. 3163 of 2001

New Delhi, this the 28<sup>th</sup> day of May, 2002

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL.)  
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Shri Vishv Bhandhu Gupta  
S/o Late Shri VLC Gupta,  
Additional Commissioner  
(Income Tax) (Under suspension)  
R/o B-1/522 Vasant Kunj,  
New Delhi.

...Applicant

Applicant in person.

Versus

1. Union of India through  
its Secretary,  
Department of Revenue,  
Ministry of Finance,  
North Block,  
New Delhi-110 001.
2. Chairman,  
Central Board of Direct Taxes,  
North Block,  
New Delhi-110 001.
3. Chief Commissioner of Income Tax,  
Central Revenue Building,  
I.P. Estate,  
New Delhi-110 002. ..Respondents

By Advocate: Shri V.P. Uppal.

ORDER

By Hon'ble Mr. Kuldip Singh, Member (Judl.)

The applicant has assailed an order dated 19.6.2001, Annexure P-I vide which the applicant who was working as Additional Commissioner of Income Tax was placed under suspension with immediate effect and the order was passed in the name of the President of India in exercise of powers under sub-rule (i) of Rule 10 of CCS (CCA) Rules, 1965. The applicant is also aggrieved by the total lack of action on the part of the respondents to periodically review and/or revoke the suspension order

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which the respondents ought to have done as they were under the legal obligation to do the same. The applicant has also asked for setting aside and quashing of the order and for holding that the order issued is totally improper, unconstitutional and arbitrary.

2. It is stated that the order in question was passed on the basis of non-application of mind and misconceived perceptions.

3. It is further submitted that the continuance of the applicant under suspension would seriously subvert the discipline and the same cannot be a ground for suspension.

4. The applicant also says that none of the clause of Rule 10 of the CCS (CCA) Rules are effected to continue the suspension of the applicant.

5. It is also submitted that the respondents have failed to conduct periodical review of the order in question.

6. The OA is being opposed by the respondents. The respondents submitted that the applicant was placed under suspension following the indiscriminate and unauthorised statements made to the press and to the electronic media and the suspension was resorted to as the applicant's continuance in office was likely to seriously subvert discipline.

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7. It is further submitted that the charge-sheet has been issued and the inquiry which was has since been completed by the Inquiry Officer and copy had been supplied to the applicant to make his comments over the same and it is stated that there is no ground for revocation of the suspension.

8. We have heard the applicant, who argued the case in person and Shri Uppal, the learned counsel for the respondents.

9. The applicant submitted that there is no case for continuance of suspension since none of the sub rules of Rule 10 of the CCS (CCA) Rules are attracted as the applicant has not committed any misconduct nor he is involved in any criminal offence so his suspension should be revoked.


10. Besides claiming for revocation of suspension, the applicant also pleaded that from the day of issue of suspension order it has not been reviewed at all till date.

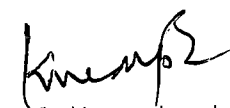
11. As against this Shri Uppal appearing for the respondents submitted that the Government have taken an immediate action and the enquiry has also been completed and the report of the Inquiry Officer has also been supplied to the applicant. However, on the point of review of suspension, the learned counsel appearing for the respondents drew a total blank and he could not satisfy the court at all as to why the authorities concerned had not taken any steps to review the

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suspension order periodically. Though in a slip shod manner the respondents in their affidavit have stated that the review of suspension is under progress and the decision taken thereto will be conveyed to the applicant shortly but we fail to understand is as to when that "shortly" period will be over. It appears that the disciplinary authority has a scant regard for the statutory rules for performing the statutory duties of reviewing the suspension orders as required by rules and judicial pronouncements on the subject. This act on the part of the respondents for not reviewing the suspension order of the applicant cannot be appreciated at all.

12. So in view of the above, the OA is disposed of with a direction to the respondents to review the order of suspension within a period of one month from the date of receipt of a copy of this order in accordance with rules and judicial pronouncements on the subject. No costs.

  
(S.A.T. Rizvi)  
Member (A)

  
(Kuldip Singh)  
Member (J)

Rakesh