

(33)

Central Administrative Tribunal
Principal Bench

O.A. No. 2416 of 1999

New Delhi, dated this the 12th September, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Hemant Sausarkar,
R/o Jal Darshan Society,
Opp. Natraj Cinema,
Ashram Road,
Ahmedabad.

.. Applicant

(By Advocate: Shri Rajiv Garg)

Versus

1. Union of India through
the Secretary,
Ministry of Law and Justice,
Shastri Bhawan, New Delhi.
2. The President,
Income Tax Appellate Tribunal,
Old CGO Building,
M.K. Road,
Mumbai-400020.

.. Respondents

(By Advocate: Shri M.M. Sudan)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 30.9.98 (Annexure A), and seeks a direction to continue his services as Judicial Member, ITAT or alternatively he be reinstated from 5.10.98 with all consequential benefits including backwages.

2. It is not denied that in respect of persons similarly situated as the present applicant, the Hon'ble Supreme Court in its order dated 11.4.2001 in Civil Appeal No. 6251/2000 Union of India Vs. Babu Ram Jain and connected cases, upheld the Delhi High Court order quashing similar orders dated 30.9.98 in respect of those respondents and

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directing their reinstatement, with such consequential benefits as were specifically directed by the Apex Court in its aforesaid order.

3. It is also not denied that a petition seeking review of the aforesaid order dated 11.4.2001 has also been dismissed by the Hon'ble Supreme Court on 19.7.2001.

4. On the last date Respondents' counsel Shri M.M. Sudan had informed us that action was under way to reinstate present applicant as well as others as per Court's directions, but the matter was likely to take some time.

5. We were hoping that the procedural formalities would have been completed by now, but we are informed by Shri Sudan that the same is still under process.

6. In the light of the Hon'ble Supreme Court's judgment in the case referred to above, the O.A. succeeds and is allowed to the extent that the impugned order dated 30.9.98 is quashed and set aside. Respondents should ensure that applicant is

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reinstated in service, and extend such benefits as have been allowed by the Hon'ble Supreme Court in other similar cases, within four weeks from the date of receipt of a copy of this order. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S. R. Adige

(S.R. Adige)
Vice Chairman (A)

Karthik