

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1431/98

NEW DELHI, THIS THE 5TH DAY OF AUGUST, 1998.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR.R.K.AHOOJA, MEMBER(A)

Shri V.D.Trivedi
S/o Shri U.D.Trivedi
R/of D-2/11, Subramaniam Bharati Marg
New Delhi-110 003. ... Applicant

(By Advocate Shri O.S.Bajpai)

vs.

Union of India
through Chairman
Central Board of Direct Taxes
Ministry of Finance
(Department of Revenue)
North Block, New Delhi ... Respondent

ORDER(ORAL)

JUSTICE K.M.AGARWAL:

Heard the learned counsel for the applicant on admission. One of the reliefs claimed is for directing the respondent to produce the report of the Inquiry Officer as also to pass appropriate orders directing him to accept the report of the Inquiry Officer. Further prayer is for opening the sealed cover pertaining to his promotion to the post of Chief Commissioner of Income Tax.

2. The learned counsel was not sure if any order was passed by the Disciplinary Authority pursuant to the inquiry report submitted by the Inquiry Officer. Unless and until, the Disciplinary Authority passes an order, we cannot proceed further and grant the reliefs prayed for by the applicant. It is well-settled that the Disciplinary Authority may or may not accept the report of the Inquiry Officer. If

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he does not accept the report, he has to record reasons and inform the applicant accordingly calling upon him to submit his reply. In the circumstances aforesaid, we are of the view that this O.A. can be disposed of at the admission stage itself by directing the Disciplinary Authority to pass appropriate order on the basis of the report of the Inquiry Officer within a period of three months from the date of receipt of a copy of this order. As final order cannot be passed without supplying a copy of the Inquiry Report to the delinquent officer, we further direct that a copy shall be supplied immediately to the applicant with a direction to submit his reply within a period of 15 days from the date of receipt of a copy of the report of the Inquiry Officer. Accordingly, this O.A. is disposed of.

3. Issue dasti.

Jm

(K.M.AGARWAL)
CHAIRMAN

R.K.Ahooja
(R.K.AHOOJA)
MEMBER(A)