

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 1497/96

New Delhi this the 18th day of July, 1996. 2

Hon'ble Mr. Justice A.P. Ravani, Chairman.

Hon'ble Mr. R.K. Aahooja, Member(A).

Surender Mohan Saxena,
S/o Shri Gauri Sahai Saxena,
R/o 28, MIG Flats,
Prasad Nagar,
New Delhi.

...Applicant.

By Advocate Mrs. Shyamla Pappu, Sr. Counsel with Mr. Jagjit Singh.

Versus

1. Union of India through
Secretary,
Ministry of Finance,
North Block,
Central Secretariat,
New Delhi.
2. Central Board of Direct Taxes through
Chairman,
North Block,
New Delhi.
3. Chief Commissioner of Income Tax,
Central Revenue Building,
IP Estate,
New Delhi.

...Respondents.

ORDER (ORAL)

Hon'ble Mr. Justice A.P. Ravani, Chairman.

The learned counsel for the applicant seeks permission to withdraw the application in view of the fact that the applicant has already preferred an appeal against the impugned order on June 28, 1996. The learned counsel for the applicant further requests that suitable observation may be made by this Tribunal for expeditious and early hearing of the appeal and also for hearing as regards the interim relief that may be prayed for by the applicant before the

(3)

appellate authority. We are of the view that there is nothing to indicate in the relevant rules that the appellate authority has no jurisdiction to consider the question as regards the grant or refusal of the interim relief pending final hearing and disposal of the appeal. We are sure, if ~~such~~ ^{as soon as practicable} the ^a prayer for interim relief is made before the appellate authority, the appellate authority will consider the same on merits and in accordance with the law.

2. Having regard to the facts and circumstances of the case, we permit the applicant to withdraw the application. We hope and trust that the appellate authority will decide the appeal pending before it as expeditiously as possible. In case the appeal cannot be decided finally before July 31, 1996, the date on which the applicant retires, it is hoped that the appellate authority will consider the prayer of the applicant as regards the interim relief.

3. Subject to the aforesaid observations, the application stands disposed of as withdrawn.

Order Dasti.

R.K. Ahoja
(R.K. Ahoja)
Member(A)

'SRD'

A.P. Ravani
(A.P. Ravani)
Chairman