

Central Administrative Tribunal  
Principal Bench: New Delhi

C.P. No. 109/98

In

O.A. No. 1160/97

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New Delhi this the 12th day of May 1998

Hon'ble Shri S.R. Adige, Vice-Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Shri Behari Lal  
Income Tax Officer,  
Govt. Salary Ward 8 (1)  
Mayur Bhawan, New Delhi

.....Petitioner

(By Advocate: None)

Versus

1. Shri N.K. Singh,  
Secretary, Ministry of Finance,  
Central Sectt. North Block,  
New Delhi.
2. Shri Ravi Kant,  
Chairman, Central Board of Direct Taxes,  
North Block, New Delhi.
3. Shri O.P. Srivastava,  
Chief Commissioner of Income Tax  
Central Revenue Building,  
I.P. Estate, New Delhi.

.....Respondents

(By Advocate: Shri V.P. Uppal)

ORDER (Oral)

By Hon'ble Shri S.R. Adige, Vice-Chairman (A)

Petitioner alleges contumacious violation of  
the Tribunal's order dated 15.9.97 in O.A. 1160/97.

2. By that order, the impugned orders dated  
12.11.96 and 13/14.2.97 were set aside and liberty was  
granted to the respondents to proceed with the Inquiry  
Report of Shri H.P. Kain in accordance with law and pass  
appropriate orders within three months from the date of  
receipt of a copy of that order.

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3. Respondents filed an MA for extension of time, and by order dated 19.1.98, the Tribunal allowed five months' time from that date for completion of Inquiry Report.

4. Meanwhile consequent to certain infirmities detected by the Disciplinary Authority in Inquiry Officer's report, the matter stands remitted back to the same Inquiry Officer viz; Shri H.P. Kain vide respondents' order dated 19.2.98 for further enquiry in accordance with provisions of Section 15(1) of CCS (CCA) Rules 1965, on the specific points mentioned in the aforesaid letter.

5. The petitioner in the C.P. alleges that respondents have started further re-enquiry on the basis of the order dated 19.2.98 which is contrary to the Tribunal's judgement.

6. None appeared for the petitioner even on the second call although today was the date fixed for hearing in this matter as per order dated 29.4.98 which was passed in the presence of applicant's counsel.

7. A perusal of the impugned order dated 5.9.97 makes it clear that respondents were permitted to proceed with the Inquiry Report of Shri H.P. Kain in accordance with law and under the circumstances if the Disciplinary Authority detected certain infirmities in the

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Inquiry Report and has remitted the matter back to the Inquiry Officer Shri H.P. Kain for further enquiry in accordance with the provisions of Section-15 (1) CCS (CCA) Rules, It cannot be said that there has been any contumacious violation of the Tribunal's order dated 15.9.97 so as to invite ~~the~~ Contempt of Court action against the respondents.

8. Under the circumstances the C.P. is dropped and notices issued to the respondents are discharged.

Later

9. After the above orders were dictated in the open court applicant's counsel Shri Jagjit Singh appeared and in the presence of Respondent's counsel Shri Uppal prayed for permission to withdraw the C.P., to which Shri Uppal had no objection.

10. This C.P. is, therefore, dismissed as withdrawn.

A. Vedavalli  
(Dr. A. Vedavalli)  
Member (J)

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

cc.