

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.1160 of 1997

New Delhi, this 15th day of September, 1997

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN(J)
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

Behari Lal
Income Tax Officer
Government Salary Ward 8(1)
Mayur Bhavan
NEW DELHI.

... Applicant

By Advocate: Shri Shyam Sunder, proxy
for Shri Jagjit Singh.

versus

1. Union of India, through
Secretary
Ministry of Finance
Central Secretariat
North Block
NEW DELHI.
2. Central Board of Direct Taxes
through,
Chairman
Central Board of Direct Taxes
North Block
NEW DELHI.
3. Chief Commissioner of Income Tax
Central Revenue Building
J. P. Estate
NEW DELHI.

... Respondents

By Advocate: Shri V. P. Uppal

O R D E R (ORAL)

Dr Jose P. Verghese, VC(J)


The applicant in this case was proceeded against departmentally and one Shri H. P. Kain was appointed as Inquiry Officer who submitted his report after enquiring into the charges. Thereafter, the respondents on the ground that Shri Kain had been transferred out of Delhi, initiated another enquiry on the same set of facts and proceeded to pass orders dated 12.11.96 and 13/14.2.97.

2

After notice, reply was filed. The respondents does not contest the fact that the previous enquiry had been completed, and the report had been duly submitted by Shri Kain and, therefore, the second enquiry and orders passed on the basis of the second enquiry has no legs to stand. 8

In the circumstances, the impugned orders dated 12.11.97 and 13/14.2.97 are set aside and liberty is granted to the respondents to proceed with the enquiry report of Shri H. P. Kain, in accordance with law, positively within a period of three months from the date of the receipt of a copy of this order, and pass a final order.

With this, this OA is disposed of. No order as to costs.


(K. MUTHUKUMAR)
MEMBER(A)


(DR JOSE P. VERGHESE)
VICE CHAIRMAN(J)

dbc