

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 256/90

New Delhi, dated the 2th June, 1994.

Hon'ble Sh.S.R. Adige, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri D.P. Singhal,  
ex-LDC c/o Assistant  
Income Tax Commissioner Office,  
New Delhi

.... Applicant

(By advocate Sh. V.P. Sharma )

Versus

1. Union of India through the Secretary  
Ministry of Finance, Govt. of India  
New Delhi
2. The Income Tax Commissioner,  
Govt. of India, New Delhi
3. The Deputy Income Tax Commissioner,  
Income Tax Range-7, New Delhi.

.... Respondents

(By Advocate Sh.R.S. Aggarwal )

JUDGEMENT (ORAL)

(Hon'ble Sh.S.R. Adige, Member (A))

In this application, Sh.D.P. Singhal, Ex.LDC  
Income Tax Department, New Delhi has impugned the order  
dated 6.3.89 (Ann.A.i) dismissing him from service.

2. At the outset, we note that the applicant had  
filed an appeal dated 3.4.1989 addressed to the Commissioner  
of Income Tax, Range-V, New Delhi, which appears to be undisposed  
of as per counter affidavit dated 30-5-90 filed by the  
respondents. Shri R.S. Aggarwal, 1d.counsel for the Respondents  
is unable to state whether the appeal has been disposed of

since, Shri V.P.Sharma, learned counsel for the applicant also states that no order accepting/rejecting his appeal has been communicated to the applicant till date.

3. As the departmental remedy of appeal has not been exhausted as yet, and as the Appellate jurisdiction in the disciplinary matters is far wider than the Tribunals jurisdiction under the Administrative Tribunals Act, we feel that it will be in the applicants own interest that the appeal be disposed of in the first instance, if it has not already been disposed of.

4. Under the circumstances, after hearing Sh.Sharma learned counsel for the applicant and Sh.Agarwal, learned counsel for the respondents, we direct the respondents to dispose of the said appeal within three months from the date of receipt of a copy of this order, if not already disposed of, reserving liberty to the applicant to file a fresh O.A., if any grievance survives after the disposal of his appeal, if so advised.

5. Shri V.P.Sharma, has voiced the apprehension that if such an O.A. is taken up in its turn in the normal course, it might delay matter even further, leading to denial of justice in respect of the applicants claims. We see some force in this assertion, and feel that Shri Sharmas apprehensions can be met by observing

that if any, fresh O.A. is filed by the applicant, after the disposal of the appeal by the respondents, such O.A. should be taken up on out of turn basis and disposed of as expeditiously as possible.

6. This application is accordingly, No costs.

Lakshmi Swaminathan  
(Lakshmi Swaminathan)

Member (J)

K. Adige  
(S.A. Adige)

Member (A)

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