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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI

New Delhi, this the 21st day of August, 1995.

O. A. No. 1435 of 1991

Hon'ble Mr J. P. Sharma, Member (J)

Hon'ble Mr B. K. Singh, Member (A)

Shri S. K. Bhatnagar,
S/O Shri C. P. Bhatnagar,
R/O 3/5, North View Society,
Navrang Pura,
Ahmedabad.

.. .. Applicant.

(through Mr P. P. Khurana, Advocate).

vs.

1. Union of India,
through the Secretary,
Ministry of Finance, North Block,
New Delhi.

2. Central Board of Direct Taxes,
through its Chairman,
North Block,
New Delhi.

.. .. Respondents.

(through Mr R. S. Aggarwal, Advocate).

O R D E R (oral)

(delivered by J. P. Sharma, Member (J))

The applicant belongs to Indian Revenue Service and is working as Income Tax Commissioner (Appeals). He was served with a memorandum of charge-sheet pointing out certain irregularities in the passing of the order of assessment in the cases of P. N. Chawla and Jawahar Chawla, Bal Kishan Gupta and Ram Kishan Gupta and Kirshna Dal Mills.

The applicant submitted his comments to the memorandum and thereafter he was served with Articles of Charge annexed with the OA. The present application was filed by the applicant on 17.6.1991 in which he has prayed that the impugned order dated 11.3.1991, that is, charge memo. be

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quashed. By the order dated 18.6.1991, further proceedings on the basis of the aforesaid memo. of charge sheet was stayed for 14 days and that order is still continuing and in the meantime the O.A. was admitted.

The case has now come up for final hearing. The respondents contested this application and stated that the applicant has been served with memorandum of charge-sheet showing misconduct committed by him, violating Rule 3(1(i) of the CCS(Conduct) Rules, 1964. The assessment orders passed by the applicant were not found to be according to law. The aforesaid memorandum was issued to the applicant. It is stated that the inquiry proceedings cannot be stayed. The respondents have taken another stand replying to the averments made by the applicant in the O.A.

We have heard Shri P.P. Khurana for the applicant and Shri R.S. Aggarwal, for the respondents was heard on the earlier sitting of the Bench on 8.8.1995. On that date Shri P.P. Khurana desired that some time be granted to have certain communication with the applicant. Today he has stated that the case be disposed of on the basis of decision given in Union of India vs. Upender Singh reported in 1994(27)ATC 200.


The Hon'ble Supreme Court has held that even the departmental inquiry can be proceeded against a person who has acted in a quasi judicial authority if there are certain allegations and that the Tribunal cannot go into the truthfulness of these allegations.

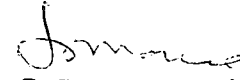
In view of this the stay order granted on 18.6.91 is vacated and the respondents are directed

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conclude the inquiry proceedings expeditiously
against the applicant according to law.

The application is accordingly
disposed of. No costs.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)

/sds/