

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1030/91

DATE OF DECISION : 25.XI.91

VISHV BANDHU GUPTA

APPLICANT

- VERSUS -

UNION OF INDIA & ORS.

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RESPONDENTS

APPLICANT IN PERSON

RESPONDENTS THROUGH SHRI R. S. AGGARWAL, ADVOCATE

CORAM : HON'BLE MR. JUSTICE RAM PAL SINGH, V.C.(J)

HON'BLE MR. I. P. GUPTA, MEMBER (A)

J U D G M E N T

{ Hon'ble Shri I. P. Gupta, Member (A) }

In this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant who is a Deputy Commissioner of Income Tax, has sought for the following reliefs :-

(i) quashing of the impugned orders dated 8.3.1990 and 20.3.1990 regarding his transfer to Madras;

(ii) quashing the impugned order of suspension dated 6.6.1990;

(iii) payment of full wages of salary/emoluments etc.

2. As regards relief at (i) the case has already been adjudicated. In OA No.1025/90 dated 1.6.1990, the Tribunal had observed that till the representation/appeal of the

L. S. 114

(12)

- 2 -

applicant is disposed of by the respondents as directed, the applicant may, if so advised, comply with the impugned orders of transfer or apply for the grant of any kind of leave due and admissible. The representation of the applicant was considered by the respondents and a communication to this effect was made on 20.8.1990. When the attention of the applicant was drawn to the fact that his transfer case has already been dealt with and that plural relief cannot be sought in one application, he agreed not to press this point in this OA.

3. Now the request of the applicant for quashing of the impugned order of suspension dated 6.6.1990 has to be dealt with. In the course of hearing it was brought out that the suspension has been revoked on 21.10.1990. The subsistence allowance has also been increased to 75 per cent. The chargesheet has already been furnished to the applicant on 3.7.1990 and inquiry/presenting officer have already been appointed. Learned counsel for the respondents has mentioned in the counter that the officer for a long time did not reply to the chargesheet and his attitude was non-cooperative.

4. The request for quashing of the suspension order is premature. However, it is clear that the inquiry is taking unduly long time and we would direct the respondents to complete the inquiry and pass appropriate orders up to the appellate stage within a period of six months from the date of receipt of a copy of this order. The applicant is also directed to cooperate with the inquiry. The applicant will

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also be at liberty to approach this Tribunal in case he is aggrieved by the orders of the disciplinary and the appellate authorities. At that stage he will also be free to raise the issues relating to suspension.

5. With the above direction the case is disposed of. There is no orders as to costs.

I. P. Gupta
(I. P. Gupta)
Member (A)

Ram Pal Singh
(Ram Pal Singh)
Vice Chairman (J)