

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA No.1126/93

Date of decision:24.5.93.

Sh.R.K.Sandhu ...

Applicant

versus

Union of India through  
Secretary,  
Ministry of Finance  
Dept. of Revenue  
& ors.

...

Respondents

CORAM:THE HON'BLE MR.I.K.RASGOTRA, MEMBER(A)  
THE HON'BLE MR.J.P.SHARMA, MEMBER(J)

For the Applicant ... Sh.M.L.Ohri,  
Counsel.

JUDGEMENT(ORAL)

(BY HON'BLE MR.I.K.RASGOTRA, MEMBER(A) )

The applicant in this case, Sh.R.K. Sandhu was imposed the penalty of reduction of his pay by two stages from Rs.2825/- to Rs.26753- in the scale of Rs.2000-3500 while he was working as Income Tax Officer. He did not earn any increment during this period. This matter had been agitated by the applicant before the Tribunal in OA No.2168/91 which was disposed of vide order dated 14.12.92 with the following directions:-

- "i) this OA is dismissed as premature.
- ii) the Appellate Authority is directed to pass the final orders after giving an opportunity to the applicant of being heard within a period of one month from the date of receipt of a copy of this order.
- iii) the applicant shall be at liberty to file fresh O.A. and all the grounds taken in this OA shall remain open to him if he is aggrieved by the Appellate Authority."

The learned counsel for the applicant submitted that the applicant has filed an appeal before the Chief Commissioner of Income Tax on 19.5.92. The Chief Commissioner of Income-Tax, however, rejected the appeal stating that he was not the competent authority. 

Therafter, the applicant preferred another appeal before the President of India on 14.1.93 which is said to be still pending consideration. Ordinarily six months' time is allowed to the respondents to take a decision in such matters. However, in view of the earlier background of the case, we dispose of this OA with a direction to the respondents to dispose of the appeal of the applicant within a period of two months from the date of communication of this order. In the earlier order a direction was given to the Appellate Authority to decide the same within a period of one month after giving an opportunity to applicant of being heard. That order has, however, lapsed as the appeal was submitted to an authority which was not competent to take a decision. It is, however, for the competent authority to decide if the authority would like to hear the applicant before deciding the appeal. We do not pass any order in this behalf. If the applicant feels still aggrieved, he will be at liberty to move the Tribunal in accordance with law, if so advised.

The OA is disposed of accordingly with no order as to costs.

Sharma  
(J.P.SHARMA)  
MEMBER(J)

Rasgotra  
(I.K.RASGOTRA)  
MEMBER(A)