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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 247/93

New Delhi this the 25th day of July, 1994

CORAM :

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Dinesh Kumar Sandila,
Income Tax Officer,
Central Revenue Building,
New Delhi
R/O E-248, Prashant Vihar,
Delhi.

... Applicant

By Advocate Shri O. C. Tandon

Versus

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

2. Chief Commissioner of
Income Tax, C.R. Building,
New Delhi.

... Respondents

By Advocate Shri V. P. Uppal

O R D E R (ORAL)

Shri S. R. Adige, Member (A) :-

In this application, Shri Dinesh Kumar Sandila, Income Tax Officer, Department of Revenue, Ministry of Finance, has prayed for a direction for quashing the memorandum dated 30.12.1992 (Annex. A-6) instituting an inquiry against him under Rule 14 of the C.C.S. (C.C.A) Rules, 1965, on the charges of alleged misconduct.

2. We have been informed by Shri V. P. Uppal, learned counsel for the respondents, at the Bar today that as a consequence to the departmental proceedings, the inquiry was conducted and the inquiring officer has

submitted his report to the disciplinary authority. We have no reason to doubt these averments, and under the circumstances, as the inquiry has been concluded and the matter is now ~~ceased~~^{Seized} of by the disciplinary authority, the question of quashing the charges contained in the impugned memorandum dated 30.12.1992 does not arise. That apart, the Hon'ble Supreme Court has in a number of cases deprecitated the practice of Tribunals and Courts passing interlocutory orders in departmental proceedings. One such judgment has been cited by the learned counsel for the respondents reported in JT (1) 1994 SC 658 - Union of India vs. Upendra Singh.

3. Learned counsel for the applicant has pressed that a copy of the inquiry report be furnished to the applicant immediately. Without issuing any directions to the respondents on this point, we have no doubt that the respondents will act strictly in accordance with law. If the applicant has any grievance after the disciplinary authority takes its decision in the matter, it will be open to him to exhaust the departmental remedies available, and even thereafter if any grievance survives, he will be at liberty to move the Tribunal in accordance with the procedure established by law.

4. In the light of the above discussion, nothing survives in this O.A. which is accordingly disposed of.

5. In this connection, we further note that by the order of the former Hon'ble Chairman dated 25.3.1994 O.A. No. 1443/93 has been ordered to be listed with O.A. No. 247/93. In O.A. 247/93 the challenge is to

the A.C.R.s recorded for the years 1987-88, 1988-89 and 1989-90. We feel that O.A. 1443/93 can now separately be considered and adjudicated upon by the Tribunal, and we direct accordingly.

6. Let a copy of this order be placed in O.A. 247/93 as well as in O.A. 1443/93.

7. In this connection, we further note that in O.A. 1443/93 Shri V. P. Uppal is shown in the cause list as the counsel for the respondents although we are informed that respondents' counsel is Shri R. S. Aggarwal. Registry should note the same and make necessary corrections accordingly.

8. Let O.A. 1443/93 be listed for final hearing on 1.8.1994. On that date, if any records are required, upon which the applicant seeks to place reliance, he should indicate the same before the Bench.

9. Let copies of this order be served on parties.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

Adige
(S. R. Adige)
Member (A)

/as/