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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 21st January, 1998

Original Application No. 473 of 1997

District : Allahabad

CORAM :-

Hon'ble Mr. D.S. Baweja, A.M.

Hon'ble Mr. DVRS G Dattareyulu, J.M.

Gyan Prakash ~~Sinha~~ Sinha.
S/o Late Sri R.P. Sinha,
C/o Sri S.M. Dayal,
Advocate, 38/3, Lukerganj,
Allahabad.

(By Sri S.M. Dayal, Advocate)

. Applicant

Versus

1. The Secretary,
Union of India,
Through Ministry of Finance,
North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes
(C.B.D.T.), North Block, New Delhi.
3. Director of Inspection (V & I),
C.B.D.T., North Block, New Delhi.
4. Sri J.S. Ajluwalia,
Commissioner of Income Tax,
Sanjay Place Agra Inquiry Officer.

(By Sri Amit Sthalekar, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. D.S. Baweja, A.M.

This application has been filed making a prayer to quash the orders dated 10-9-1996 and 11-3-1997 as per which the nomination of the Inquiry Officer and fixing of date of inquiry by the Inquiry Officer has been ordered.

2. The applicant was issued a charge sheet on 6-5-1991, which was challenged before the Tribunal through OA No. 205/1992 for quashing the disciplinary proceedings
- (J)

against the applicant. This OA was dismissed with the direction to the respondents to complete disciplinary proceedings within a period of four months from the date of the order dated 24-11-1995. The disciplinary proceedings were not completed within this period. On a prayer made by the respondents, the Tribunal allowed further four months' time for completion of the proceedings. Since the proceedings were not completed within the extended period, ^{prayer for} further period ^{of} extension of the time was rejected by the Tribunal. However, subsequently, the respondents proceeded with the inquiry and nominated the Inquiry Officer as per the impugned order dated 10-9-1996 and the Inquiry Officer fixed the date for inquiry as per the impugned order dated 11-5-1997. The case of the applicant is that since the disciplinary proceedings have not been completed within the stipulated period allowed in the order of the Tribunal, no further disciplinary proceedings can be conducted against the applicant. The present OA has, therefore, been filed challenging the conducting of disciplinary proceedings against the applicant by nominating the Inquiry Officer.

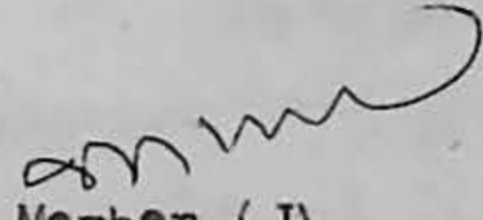
3. Notices were issued to the respondents. However, the respondents have not filed any counter reply.

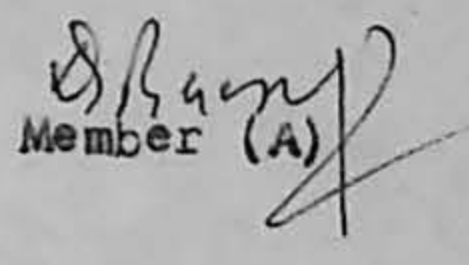
4. When the case was listed on date, ^{re} counsel for the respondents brought out that against the order of the Tribunal rejecting the prayer for granting additional time for completion of the disciplinary proceedings, the respondents had filed a SLP before the Hon'ble Supreme Court. The Hon'ble Supreme Court in Civil Appeal No.8816/1997 dated 12-12-1997 has allowed the ~~appeal~~ appeal.

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and further time of four months had been allowed for conducting the inquiry. Learned counsel for the respondents Shri Amit Sthalekar, therefore, contended that the present OA has become infructuous once the disciplinary proceedings have been allowed to be conducted against the applicant by the Hon'ble Supreme Court. Learned counsel for the applicant Shri SM Dayal, fairly conceded with the contention of the respondents. Since, the Hon'ble Supreme Court has allowed to continue the disciplinary proceedings against the applicant, the present OA, therefore, does not become sustainable.

5. In view of the above, the OA is dismissed as being infructuous. No orders as to costs.


Member (J)


Member (A)

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