

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Original Application No.369 of 2004.

Allahabad this the 07th day of April 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Mohit Pradhan
S/o Shri M.N. Pradhan,
Income Tax Officer (T.D.S)
Office of the Commissioner of Income Tax,
38 Mahatma Gandhi Marg,
Allahabad.

.....Applicant.

(By Advocate : Sri Virendra Pratap)

Versus.

1. Union of India,
through Secretary Revenue
Ministry of Finance,
North Block, New Delhi.
2. Central Vigilance Commissioner,
Satarkta Bhawan,
New Delhi.
3. Chairman,
Central Board of Taxes
North Block, New Delhi.
4. Chief Commissioner of Income Tax(CCA)
5 Ashok Marg, Lucknow.
5. Chief Commissioner of Income Tax,
38 Mahatma Gandhi Marg, Allahabad.
6. Commissioner of Income Tax,
38 Mahatma Gandhi Marg, Allahabad.
7. Sudhakar Tiwari,
Commissioner of Income Tax,
38 Mahatma Gandhi Marg,
Allahabad.

.....Respondents.

(By Advocate : Sri Ashish Gopal)

O_R_D_E_R

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard learned counsel for the applicant and Sri
Ashish Gopal learned counsel representing for the respondents.

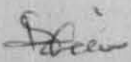
2. The O.A. is directed against an order of dismissal


from service. The argument is that the applicant has been dismissed from service in breach of principle of natural justice without holding any enquiry.

3. Sri A Gopal learned counsel for the respondents submits that applicant has an alternative remedy by way of appeal before Board of Direct Taxes. Learned counsel further submits that in view of section 20 of Central Administrative Tribunal Act, 1985, the O.A. ought not to be admitted unless the applicant has exhausted all the alternative remedies. We find substance in the submission made by learned counsel for the respondents. At this stage learned counsel for the applicant states after consultation of his client that appeal has been preferred by speed post on 20.4.2004. In the circumstances it is not necessary for us to go into the merit of the arguments advanced on behalf of the applicant as to legality or otherwise of the order under challenged.

4. The O.A. is dismissed at the motion hearing stage without prejudice to the right of the applicant to pursue the remedy of appeal and subject to the direction that if he files the appeal, the same shall be considered and decided in accordance with law expeditiously if possible within three months from the date of filing of memo of appeal.

No costs.


Member-A.


Vice-Chairman.

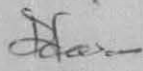
Manish/-

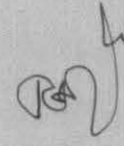
07.04.04

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Heard learned counsel for the applicant and Sri
Ashish Gopal learned counsel representing for the
respondents.

Order dictated separately.


A.M.


V.C.

Manish/-