

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ~~ALLAHABAD~~

ORIGINAL APPLICATION NO. 467 OF 1995

TUESDAY, THIS THE 31TH DAY OF DECEMBER, 2002

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

HON. MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

O.N. MISHRA,  
s/o Late Shri S.N. Mishra,  
r/o 16, Gayatri Nagar, Near Hartman College  
Izzatnagar, Bareilly. .... Applicant.

(By Advocate:- Shri V.Nath)

Versus

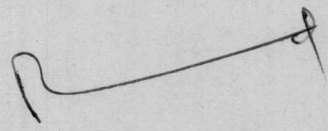
1. Union of India through the Secretary  
Central Board of Direct Tax,  
Deptt of Revenue North Block,  
New Delhi. 110001.
2. The Deputy Commissioner of Income Tax  
& Inquiry Authority (North Zone)  
Mayur Bhawan,  
New Delhi.
3. The Commissioner of Income Tax  
Ashok Marg,  
Lucknow, U.P.
4. The Deputy Commissioner of Income Tax  
Bareilly Range,  
Bareilly,  
Uttar Pradesh.
5. The Chief Commissioner of Income Tax  
Lucknow. .... Respondents.

(By Advocate:- Shri R.C. Joshi)

ORDER

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

This O.A Under Section 19 of Administrative  
Tribunals Act, 1985, has been filed challenging the  
punishment order dated 30-9-1992 (Annexure A-2) by which  
disciplinary authority imposed penalty of withholding  
increments of pay for two financial years i.e. 1993-94 <sup>and 1994-95</sup> without  
cumulative effect. The order was maintained in appeal by  
order dated 9-5-1994 (Annexure A-1) passed by <sup>the</sup> appellate  
authority.



2. The facts of the case are that applicant was served with a memo of charge. The allegations against the applicant were as under:-

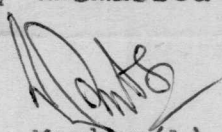
- (i) That the applicant made false allegations against his Senior Officers to the police authorities.
- (ii) that applicant while under suspension wrote letters to newspaper<sup>^</sup> and gave interviews which were defamatory and <sup>^</sup>contained<sup>u</sup> illfounded allegations against his Senior Officers.
- (iii) that the applicant gave legal notice to Shri D.K.Srivastava, Income Tax Officer making baseless allegation and also filed application with the department to proceed against Shri Srivastava thereby attempting to intimidate a Senior Officer.
- (iv) that the applicant engaged himself in tax consultancy for private gain.
- (v) that the applicant while functioning as UDC in the Income Tax Office D-Ward, Bareilly, performed his duties with gross and wilful neglect and thus failed to maintain absolute integrity and devotion to duty.

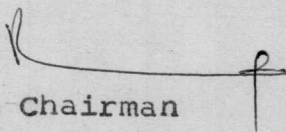
3. As usual Inquiry Officer was appointed. Applicant filed his reply, denied the charges. The Inquiry Officer submitted his report on 22-3-1991. Inquiry Officer found <sup>that the</sup> charges 3, 4 & 5 <sup>are</sup> not proved. He found charge number 1 proved but recorded finding that it was committed in a bonafide manner. The second charge was partially found proved. The disciplinary authority, <sup>agreed u</sup> ~~agreed~~ with the report of the Inquiry Officer, <sup>and</sup> ~~and~~ imposed penalty against the applicant as mentioned above. The charge against the applicant has been found <sup>proved</sup> that he gave interviews and made defamatory and ill founded allegations against



his Senior Officers. He also made allegations against his senior Officers to the police authorities. For the aforesaid two charges, <sup>in</sup> our opinion, the punishment awarded is just and appropriate and cannot be <sup>be</sup> termed as harshed and arbitrary.

4. In the ~~circumstances~~<sup>circumstances</sup>, we do not find <sup>that the</sup> applicant is entitled for any relief. The O.A has no merit and is accordingly dismissed with no order as to costs.

  
Member (A)

  
Vice Chairman

Madhu/