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**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Open Court

Original Application No. 845 of 2007

Thursday this the 06th day of September 2007

Hon'ble Mr. K.S. Menon, Member (A)

D.D. Saran S/o Late Sri Tika Ram, R/o Ganesh Nagar Colony,
Transformer wali Gali, Nekpur. Bareilly. Presently working as
Income Tax Officer, Bareilly.

Applicant

By Advocate Shri S.K. Om

Versus

1. Union of India through Secretary, Ministry of Finance,
Government of India, New Delhi.
2. The Chairman, Central Board of Direct Taxes, Income Tax
Office, New Delhi.
3. Chief Commissioner, Income Tax, Bareilly.
4. Commissioner of Income Tax, Income Tax Office,
Moradabad.

By Advocate Shri Saumitra Singh

Respondents

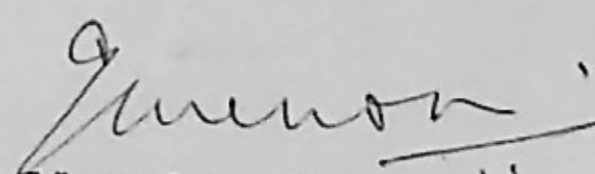
ORDER

By K.S. Menon, Member (A)

Learned counsel for the applicant submits that this O.A. has been filed against an Order dated 22.09.2005 passed by respondent No.4 i.e. Commissioner of Income Tax, Moradabad whereby the petitioner has been placed under suspension under Rule 10 (2) of CCS (CCA) Rules, 1965. Learned counsel for the applicant stated that the suspension order was issued since the applicant was detained in custody on 12.09.2005 for a period exceeding 48 hours in connection with criminal offence, which is under investigation. He further states that the suspension order is not a speaking order and subsequently also suspension has

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been reviewed and Orders passed, which are not reasoned and speaking orders. The latest review of suspension order is dated 31.07.2007 by which the suspension has been reviewed and continued till 31.10.2007. Learned counsel for the applicant has cited certain case laws in support of his argument that suspension order and review of suspension order is illegal. He further states that the applicant had filed a representation/appeal on 25.09.2006 addressed to the Chief Commissioner of Income Tax, Bareilly. It is seen that representation submitted by the applicant is a very detailed one in which his case has been explained exhaustively and also the relevant Apex Court orders have been duly referred to in the same representation. I think it would be proper to direct the respondents to consider the said representation. Learned counsel for the applicant has also brought to my notice that the representation has been addressed to the Chief Commissioner of Income Tax but the competent authority is the Chairman, Central Board of Direct Taxes, New Delhi-respondent No.2. The respondent No.3 is, therefore, directed to forward the said representation of the applicant to respondent No.2 if he is the competent authority and the said representation should be decided by the respondents' competent authority within a period of 2 months from the date a copy of this Order is produced. The O.A. is accordingly disposed of at the admission stage itself. No order as to costs.


Member (A)

/M.M./