

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~XXXXXXXXXXXX~~

O.A. No. 667 and 779 of 1988
~~XXXXXX~~

DATE OF DECISION 23rd April '91

Shivshanker M. Dube Petitioner

Mr. M.R. Anand Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Mr. R.P. Bhatt Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi Vice Chairman

The Hon'ble Mr. S. Santhana Krishnan Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *MM*
2. To be referred to the Reporter or not? *MM*
3. Whether their Lordships wish to see the fair copy of the Judgement? *MM*
4. Whether it needs to be circulated to other Benches of the Tribunal? *MM*

O.A. No. 667 of 1988

Shivshanker M. Dube,
Income Tax Officer,
Circle 6(4),
Vasupujya Chambers,
Ashram Road,
Ahmedabad.

.. Petitioner

(Advocate - Mr. M.R. Anand)

Versus

1. Union of India,
Through,
The Secretary,
Ministry of Finance,
Secretariat,
New Delhi.

2. Commissioner of Income Tax,
Gujarat - III,
Aayakar Bhavan,
Ashram Road,
Ahmedabad-9.

.. Respondents

(Advocate - Mr. R.P. Bhatt)

O.A. No. 779 of 1988

Prahladbhai S. Rathod,
Tax Recovery Officer-I,
(Income-tax Officer Group-B),
Union Insurance Building,
Ashram Road,
Ahmedabad.

.. Petitioner

(Advocate-Mr. M.R. Anand)

Versus

1. Union of India,
Through,
The Secretary,
Ministry of Finance,
Secretariat,
New Delhi.

2. Commissioner of Income
Tax (Recovery), Gujarat,
Vasant Nature Cure Bldg.,
Ashram Road,
Ahmedabad-380 009.

.. Respondents

(Advocate-Mr. R.P. Bhatt)

J U D G E M E N T


Dated : 23rd April '91


Per : Hon'ble Mr. P.H. Trivedi Vice Chairman

These cases have been filed under section 19 of the Administrative Tribunals Act, 1985, for resisting the disciplinary proceedings initiated against the applicants on the ground that their actions and decisions under challenge for alleged misconduct were in the exercise of quasi-judicial functions and therefore enjoys immunity. Learned advocate Mr. M.R. Anand for the applicant states that in both cases, points of facts and of law and the issues on which the decision has to be taken are substantially analogous to those in O.A./550/88 in which this Bench of the Tribunal has given a judgement. Learned advocate for the respondents Mr. R.P. Bhatt while not opposing this submission, stated that an appeal has been filed in O.A./550/88 but has yet not been decided.

2. On a perusal of the record, we find that in both these cases, the facts and circumstances are analogous and the issue of the liability for facing departmental inquiries by the officers who allegedly committed irregularity in the course of quasi-judicial functions is identical. Accordingly we hold that these cases OA/779/88 and OA/667/88 will be governed by the decision in OA/550/88 for the present untill the decision in appeal of OA/550/88 when that decision will also govern these cases.

With the above observations and decision, the cases are disposed off accordingly.


(S. SANTHANAKRISHNAN)
Judicial Member


(P.H. TRIVEDI)
Vice Chairman