

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
NO. XXWXXDXXXXXX

O.A. No.
TAXID.

6

1980

DATE OF DECISION 30.4.1990

Madanlal Meena

Petitioner

Mr. J.R. Nanavati

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. N.R. Chandran Judicial Member

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

O.A. No. 6 of 1990

Madanlal Meena,
Dy. Commissioner of Income Tax,
Ayakar Bhuvan,
Ahmedabad.
(Advocate - Mr. J.R. Nanavati)

.. Applicant

Versus

1. Union of India,
Through,
Secretary to the
Government of India,
Ministry of Revenue,
North Block, New Delhi.

2. Chief Commissioner of
Income Tax (Admn)
Gujarat, Ashram Road,
Ahmedabad.
(Advocate - Mr. R.P. Bhatt)

.. Respondents

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

Hon'ble Mr. N.R. Chandran .. Judicial Member

O R D E R

Dated : 30.4.1990

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

Heard Mr. J.R. Nanavati, learned advocate for the petitioner. He states that there is a court finding that the money seized from the petitioner belongs to his brother in the capacity of a trustee and therefore, there is no evidence left on the basis of which the disciplinary proceedings can be pursued and as there is no evidence whatever, the proceedings are void ab-initio. We have gone through the order of the Court but we do not find that there is any definite conclusion that the money belongs to the trustee. Only on the basis of an interim arrangement of handing over the money to the applicant on the ground of there being no objection from the opposite side, money has released with the condition that the applicant shall deposit the amount in the Court as and when required by the Court. There is, therefore,

(6)

104

no basis for the plea that there is no evidence whatever. Learned advocate for the petitioner stated that the order of suspension not being appealable is also without basis because earlier an order of suspension was passed and this Tribunal has set it aside. That however, does not prohibit the respondents from ordering fresh suspension on collection of further evidence on the basis of which a fresh order could be passed and the disciplinary proceedings can be taken up. There is no reason why the petitioner cannot avail of the opportunity of resisting charges and adduce evidence on his behalf in the disciplinary proceedings undertaken and therefore, there is no ground or reason for us to interfere with such proceedings. So far as the suspension order is concerned, although there may be no appeal as the President has passed this order, it is still capable of being submitted to a review, if there be sufficient ground for the same. We cannot say that the suspension order now passed has no basis and also if the petitioner has any plea in this regard, there is a forum before which it can be placed.

For the aforesaid reasons, the petition is not admitted and dismissed.

Mogera
(N R Chandran)
Judicial Member

Trivedi
(P H Trivedi)
Vice Chairman

Central Administrative Tribunal
Ahmedabad Bench
Inward No..... 675
Date..... 05.05.91

7

D.NO. 938/90/SEC.IX.
SUPREME COURT OF INDIA
NEW DELHI
DATED: 2nd May, 1991

FROM:

THE REGISTRAR
SUPREME COURT OF INDIA
NEW DELHI-110001.

TO:

1. ~~The Registrar
High Court of Gujarat
at Ahmedabad~~

~~The Registrar,
Central Administrative Tribunal,
Ahmedabad Bench at Ahmedabad.~~

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 12470 OF 1990
(Under Article 136 of the Constitution of India from the
Judgment and Order dated the 30th April, 1990 of the
High Court of Gujarat at Ahmedabad in Central Administrative
Tribunal, Ahmedabad Bench at Ahmedabad in O.A. No. 6 of 1990)

Madanlal Meena

... PETITIONER

VERSUS

Union of India & Anr.

... RESPONDENTS

Sir,

I am directed to inform you that the petition above-mentioned for Special Leave to appeal to this Court was filed by Mrs. Urmila Sircar on behalf of the Petitioner above-named against the Judgment and Order of the High Court noted above and that the same was dismissed by this Court on the 30th April, 1991. A certified copy of the record of proceedings of this Court dated the 30th April, 1991 is enclosed herewith for your information and necessary action.

Respectfully submitted

D.Secy) 1/6

Yours faithfully,

1/6/91
2) Hon. Vice Chairman/Chairman *Yagnesh*
3) Hon. Member (A) 4/6/91 FOR REGISTRAR.
4) Hon. Member (J) 4/6/91 *Neetu* 7/6/91
5) Hon. Member (J) *for* 7/6/91
Neetu
1/6/91

ITEM No.

10

COURT No.

311102

6

SECTION IX

(8)

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil/~~OT~~) No. (s) 12470/90

(From the judgment and order dated 30.4.90 of the High Court of
CAT Ahmedabad Bench in OA 6/90
Madanlal Meena Petitioner (s)

Union of India & Anr. Versus
(with appln. for exem. from filing OT)

Respondent (s)

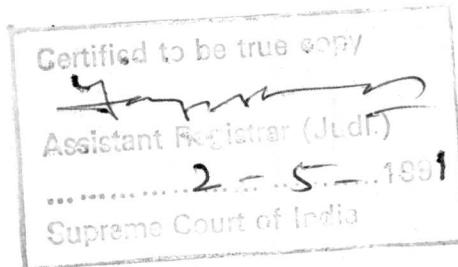
Date : 30.4.91 This/these petition (s) was/were called on for hearing today.

CORAM :

Hon'ble Mr. Justice S Ranganathan
Hon'ble Ms. Justice M Fathima Beevi
Hon'ble Mr. Justice N D Ojha

For the petitioner(s) : Mr. YS Chitale, Sr. Adv., Mr. Shekhar Naphade,
Ms. Urmila Sirur, advs.

For the respondent(s) :



UPON hearing counsel the Court made the following
O R D E R

The special leave petition is dismissed. We, however, hope that departmental enquiry will be completed as early as possible.

Manju Sharma
(MANJU SHARMA)
COURT MASTER

Jameel Ahmed
(JAMEEL AHMED)
COURT MASTER

Shw
24/9/91