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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/001021 OF 2014
Cuttack, this the 9th day of January, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)

.....
Bijoy Kumar Mishra,
Aged about 57 years,
Son of Late Madhusudan Mishra,

A permanent resident of Plot No.- R.P.-26,
B.D.A. Plots, Tankapani Road, Bhubaneswar
PS Bagada, Bhubaneswar PIN 751018

during the relevant time working as Commissioner of Income Tax, Bhubaneswar
and at present working as Chief Commissioner of Income Tax-10, Mumbai.

.....Applicant

Advocate(s)... M/s. J.M.Pattnaik, C.Panigrahi.

VERSUS

Union of India represented through its

1. Secretary (Revenue),
Ministry of Finance, Department of Revenue,
Central Secretariat, New Delhi-110001.
2. Chairperson, Central Board of Direct Taxes,
Ministry of Finance, Department of Revenue,
North Block, New Delhi-110001.
3. Principal Chief Commissioner of Income Tax,
Odisha Region, Ayakara Bhawan, Rajaswa Vihar,
Bhubaneswar, Dist- Khurda.
4. Principal Chief Controller of Accounts,
Govt. of India, CBDT, 9th Floor,
Lok Nayak Bhawan, Khan Market,
New Delhi-110003.
5. Senior Accounts Officer, Internal Audit (Co.ord),
O/o Principal Chief Controller of Accounts,
Govt. of India, Internal Audit Wing,
CBDT Room No. 27 B, Aayakar Bhavan,
M.K.Road, Mumbai-20.
6. Zonal Accounts Office, CBDT,
Ayakar Bhawan, 5th Floor, Rajaswa Vihar,
Orissa, Bhubaneswar.



7. Principal Chief Commissioner of Income Tax(CCA),
M.K.Road, Ayaakar Bhavan,
Mumbai-400020.

..... Respondents

Advocate(s)..... Mr. S. Barik

.....

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. J.M.Pattnaik, Ld. Counsel for the applicant, and Mr. S. Barik, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. It reveals from the record that the applicant, in this O.A., has prayed to quash the order dated 18.11.2014 and the order dated 26.11.2014. I find that the order dated 18.11.2014 is an inter-departmental communication and, on being pointed out, Mr. Pattnaik, Ld. Counsel for the applicant, submitted that he does not want to press for quashing of order dated 18.11.2014 under Annexure-A/7. So far as the order dated 26.11.2014 is concerned, I find that the Principal Chief Commissioner of Income Tax, i.e. Respondent No.3, has passed this order stating therein that the stepping up of pay in the case of Sri B.K.Mishra, CCIT, Mumbai/erstwhile CIT, Bhubaneswar (the applicant in this O.A.) made in this office order dated 25.04.2013 communicated under Memo No. CCIT/Estt/III-34/2013-14/1783-85 dated 25.04.2013 is hereby cancelled. Mr. Pattnaik submitted that before cancellation of the aforesaid order dated 25.04.2013 no opportunity has been afforded or no show cause or prior notice has been given to the applicant, which clearly shows violation of natural justice. However, he fairly submitted that the applicant has not approached the higher authorities against the order dated



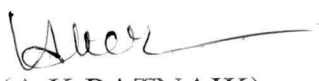
26.11.2014 and seeks liberty of this Tribunal to make a comprehensive representation to Respondent No.2, i.e. Chairperson, Central Board of Direct Taxes, with a prayer to stay further recovery from the salary of the applicant.

3. Mr. S.Barik, Ld. ACGSC appearing for the Respondents, also submits that the applicant has approached this Tribunal without exhausting the departmental remedy and, therefore, this case is quite premature.

4. Taking into consideration the submissions made by Ld. Counsel for both the sides, I dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation to Respondent No.2 within a period of two weeks from today and, if any such representation is preferred within two weeks then the same may be considered by Respondent No.2 and the result be communicated to the applicant by way of a reasoned and speaking order within a period of 60 (sixty) days from the date of receipt of the representation. It is made clear that till the representation is disposed of and result is communicated to the applicant, no further recovery will be made from the salary of the applicant.

5. With the above observation and direction, this O.A. is disposed of at the stage of admission itself.

6. As prayed for by Mr. Pattnaik, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which he undertakes to furnish the postal requisites by 12.01.2015. Free copies of this order be also handed over to Mr. S. Barik, Ld. ACGSC appearing for the Respondents.


(A.K.PATNAIK)
MEMBER(Judl.)