

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

**ORIGINAL APPLICATION NO. 229/2008
AND
MISC. APPLICATION NO. 120/2008**

Date of Order: 26.11.2008

**HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER**

S.P. Monga son of Shri Madan Lal Monga, aged about 57 years, resident of Gali No. 5, Nai Abadi, in front of Gurudwara, Hanumangarh Town - 335513, last employed on the post of Office Superintendent in the office of Additional Commissioner of Income Tax Range-II, Bikaner.

...Applicant.

Mr. J.K. Mishra, counsel for the applicant.

VERSUS



Union of India through Secretary to Government of India, Ministry of Finance, Department of Revenue, North Block, New Delhi.

The Chief Commissioner of Income Tax, C R Building, Statute Circle, B D Road, Jaipur.

3. The Commissioner of Income Tax, Bikaner.

...Respondents.

ORDER

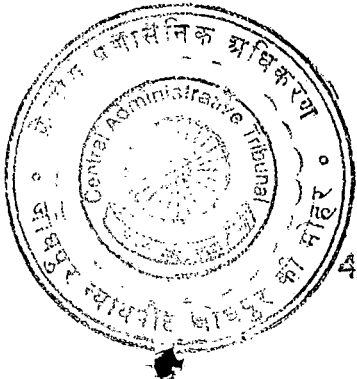
[Per Mr. George Paracken, Judicial Member]

Heard Mr. J.K. Mishra, learned counsel for the applicant and perused the pleadings and records.

2. For the reasons mentioned in the M.A. No. 120/2008 for condonation of delay in filing the O.A., the delay is condoned and the M.A. is allowed.

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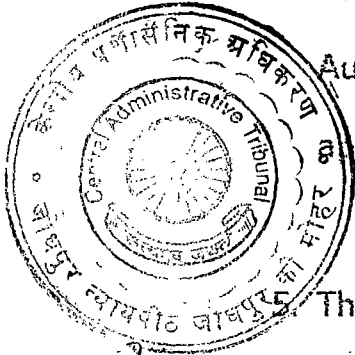
3. The applicant has filed the present Original Application aggrieved by the Annexure A/1 charge sheet dated 28.07.2004 and the Annexure A/2 penalty order of compulsory retirement dated 29.05.2006 imposed upon him by the Disciplinary Authority. The applicant had made a statutory appeal on 13.07.2006 (Annexure A/11) against the aforesaid order of the disciplinary authority. Learned counsel for the applicant has submitted that, so far, the aforesaid appeal has not been disposed of by the Appellate Authority. The main ground taken by the applicant in this O.A. is that the charges leveled against him do not constitute any misconduct at all. He has also alleged several procedural irregularities in holding the enquiry by the Inquiry Officer.



4. In our considered view, the Appellate Authority should have considered his appeal in time and passed a speaking and reasoned order. The appeal dated 13.07.2006 filed by the applicant is pending before the Appellate Authority for more than two years. We, therefore, direct the Appellate Authority, namely, the Chief Commissioner of Income Tax, C R Building, Statute Circle, B D Road, Jaipur, Respondent No. 2, to consider the aforesaid appeal dated 13.07.2006 (Annexure A/11) in accordance with the provisions contained in the CCS (CCA) Rules, 1965 and dispose of it by a speaking and reasoned order within a period of thirty days from the date of receipt of a copy of this order and



communicate the same to the applicant forthwith. In case, the applicant is still aggrieved by the order of the Appellate Authority, he is at liberty to approach this Tribunal with appropriate proceedings.



The Original Application is, accordingly, disposed of.

There shall be no order as to costs.

Tarsem Lal

[TARSEM LAL]
ADMINISTRATIVE MEMBER

George Paracken

[GEORGE PARACKEN]
JUDICIAL MEMBER

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AKKashin Adw

Part II and III destroyed
in my presence on 19/11/14
under the supervision of
section officer () as per
order dated 19/11/2014
Section officer (Record)