

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.D.A.450 of 1997

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman.  
Hon'ble Mr. M.S. Mukherjee, Administrative Member.

JOHN BARNAD SANGMA

... Petitioner

Vs.

1. Union of India through the  
Secretary, Ministry of Finance,  
Department of Revenue,  
New Delhi.
2. Central Board of Direct Taxes,  
through the Chairman, New Delhi.
3. Chief Commissioner of Income Tax,  
Aayakar Bhawan, Chouringhee Square,  
Calcutta - 700 069.
4. Shri D. Chakraborty, Inquiry Officer-  
cum-Commissioner of Income Tax,  
Kanpur.

... Respondents

For the petitioner : Mr. Samir Ghosh, counsel.

For the respondents: Mr. Madhusudan Banerjee, counsel.

Heard on : 28.8.1997

Order on : 4.9.1997

ORDER

A.K. Chatterjee, V.C.

The petitioner while working as Dy. Commissioner of Income Tax (Appeals), Calcutta, was issued with a major penalty charge sheet dated 20.6.1991 on eleven counts of charge and the inquiry officer submitted report dated 2.5.1995, <sup>the finding</sup> ~~is confined~~ being that seven of the charges were fully proved, two of the charges were partly proved and the remaining two charges were not proved. A copy

of the report of the inquiry officer was forwarded to the petitioner on 30.10.1995 and he was advised to make any representation or submission, if he so wished, within 15 days from the receipt of the letter. The petitioner replied on 7.2.1996 that he did not wish to proceed further in the matter. Since then it is pending and the instant application was filed on 28.4.1997 for cancellation of the charge sheet, etc., and to give promotion to the petitioner to the post of Commissioner of Income Tax from the date when his next junior was promoted. The petitioner had taken several grounds challenging the entire proceeding both on law and fact.

2. The application was filed on 28.4.1997 and on two occasions direction was given upon the respondents in presence of their ld.counsel to file reply. Ultimately, the matter was listed for admission hearing on 28.8.1997 when no reply was filed and the ld.counsel for the respondents intimated that he had not received any instructions in the matter and consequently no reply could be filed.

3. We have heard the ld.counsel for the petitioner and perused the record before us.

4. As already indicated, the charge sheet was dated 20.6.1991 and the inquiry was completed on 2.5.1995, a copy of which was forwarded to the petitioner on 30.10.1995. The petitioner replied to it on 7.2.1996 and since then the matter is apparently pending. In such circumstances, we consider it appropriate to dispose of the application at the stage of admission with a suitable direction for disposal of the disciplinary proceeding within a specified period.

5. The O.A. is thus disposed of with a direction upon the respondents to conclude the DA proceeding within three months from the date of communication of this order in accordance with relevant provisions, in default of which the petitioner shall be