

O.A. NO.452 OF 2011

CORAM:

R.Sreedharan
Assistant Commissioner of Income Tax (Retired)
Baby Cottage, Rice Research Road
Ponnurunny, Vyttila PO
Cochin – 682 019

versus

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| 1. | Union of India represented by the Secretary to
Government of India
Department of Revenue, Ministry of Finance
New Delhi | |
| 2. | The Central Board of Direct Taxes
Department of Revenue, North Block
New Delhi represented by its Secretary | |
| 3. | The Chairman
Central Board of Direct Taxes
Department of Revenue
North Block, New Delhi | |
| 4. | The Chief Commissioner of Income Tax
C.R. Buildings, I.S. Press Road
Ernakulam, Kochi – 682 018 | ... |
| | | Respondents |

ORDER

The relief sought in the OA is to quash all proceedings pursuant to Annexure A-1 order or in the alternative to direct the 2nd and 3rd respondent to finalise the orders in the enquiry proceedings initiated and

disburse the regular pension and other retirement benefits.

2. The applicant retired from Income Tax Department in Kerala Charge while working as Assistant Commissioner under the Commissionerate Cochin. The present grievance of the applicant is that just before his retirement a charge sheet, Annexure A-1 was issued. Even though he impugns Annexure A-1 there is an alternative prayer for taking a final decision on Annexure A-1 as expeditiously as possible as his retiral and pensionary benefits are adversely affected by the pendency of the disciplinary proceedings.

3. Considering the fact that the applicant retired in January, 2007 and more than four years have elapsed, we adjourned this case to get instructions from the respondents as to what would be the possible time by which the proceedings would be completed in the disciplinary proceedings. The matter came up on 30.05.2011 which stood adjourned to 10.06.2011 and again on 21.06.2011. When the matter was taken up for consideration today, Mr.M.K.Aboobacker, the learned counsel for respondents submitted that he has not received any instructions. In the circumstances, on hearing both sides, we dispose of the OA at the admission stage itself.

4. Since the applicant has retired as early as on January, 2007 and Annexure A-1 was issued in May, 2006, nearly five years have elapsed thereafter, it is only appropriate that an early decision has to be taken on the disciplinary action initiated against the applicant. This is of course subject to his right to challenge the final decision, if adverse on all grounds available under law.



5. In the circumstance without going into the merits of the contentions against Annexure A-1, we direct the 2nd respondent to pass final orders on disciplinary proceedings initiated against the applicant at Annexure A-1, at the earliest, at any rate, within a period of three months from the date of receipt of a copy of this order.

6. OA is disposed of accordingly. No costs.

Dated, the 21st June, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS