

Central Administrative Tribunal  
Ernakulam Bench  
Ernakulam

Dated Tuesday the nineteenth day of September, one  
thousand nine hundred eighty nine

PRESENT

Hon<sup>ble</sup> Shri S.P.Mukerji, Vice Chairman  
&

Hon<sup>ble</sup> Shri A.V.Haridasan, Judicial Member

ORIGINAL APPLICATION No.460/89

K. Philip .. Applicant  
Vs.

1. Union of India, represented  
by its Secretary (Revenue),  
Department of Revenue,  
New Delhi.
2. Central Board of Direct Taxes,  
represented by its Member (S&T),  
CBDT, North Block, New Delhi.
3. Chief Commissioner of Income Tax  
(Karnataka, Goa and Kerala),  
Queens Road, Bangalore-1.
4. Director of Income Tax (Vig),  
Central Board of Direct Taxes,  
8th floor, Mayur Bhavan,  
Cannaught Circus,  
New Delhi-110 001.
5. Commissioner of Income Tax,  
Aayakar Bhavan, Kowdiar,  
Trivandrum-695 003.

... Respondents

Counsel for the applicant .. Pirappancode V.Sreedharan  
Nair.

Counsel for the respondents .. Mr.PV Madhavan Nambiar,  
SCGSC


O R D E R

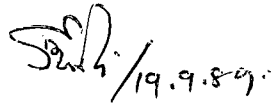
(Shri S.P.Mukerji, Vice Chairman)

Heard the learned counsel for both the parties  
and have gone through the documents carefully. The  
applicant has come up against the impugned order dated  
4.5.1988 passed by the Commissioner of Income Tax impos-  
ing the minor penalty of censure on the applicant for  
his mis-conduct of abusing his official position in  
directing an enquiry against a Medical Practitioner  
when he had no jurisdiction to do so. The applicant

had filed an appeal against the order of punishment addressed to the Chief Commissioner of Income-Tax, but the same has been forwarded to the Director of Income-Tax for necessary action vide Annexure 7 dated 7.7.88. The observation made in that forwarding letter is that the President is the Appellate Authority and the appeal was being forwarded for necessary action. Shri P.V. Madhavan Nambiar, Sr.CGSC indicated that the appeal is under consideration of the Department and will be disposed of in consultation with the Union Public Service Commission.

2. In the circumstances, we close this application with the direction to the respondents that the appeal should be disposed of by the competent authority within a period of three months in accordance with law, from the date of communication of this order. The applicant will be at liberty to approach appropriate legal forum if so advised and in accordance with law, if he is aggrieved by the outcome of his appeal.

  
(A.V. Haridasan)  
Judicial Member

  
(S.P. Mukerji)  
Vice Chairman

19.09.1989

Sn.