

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DA.589/92

Date of decision: 4-10-1993

V K Nampoothiripad

Applicant

Mr M R Rajendran Nair

Advocate for applicant

Vs.

Union of India represented by
Secretary, Ministry of Finance,
Department of Revenue,
New Delhi.

The Chief Commissioner of Income Tax,
Central Revenue Buildings,
Kochi-18

Respondents

Mr George C P Tharakan, SCGSC

Advocate for respondents

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
AND

HON'BLE MR R RANGARAJAN, ADMINISTRATIVE MEMBER

JUDGMENT

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges Annexure-I order by which
a minor penalty was imposed on him.

2 According to learned counsel for applicant,
applicant is subjected to serious disability, because
the order imposing punishment is issued by the President
of India and therefore, he cannot appeal against the
same, in the absence of an appellate authority. He
would further say that the articles of charges do not
constitute, misconduct. They allege only errors of
judgment, if at all, and not acts of misconduct. Counsel
would also submit that no inquiry was held, nor documents

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furnished, and that the findings were reached in violation of principles of natural justice.

3 Normally a person subjected to a minor penalty has a statutory right of appeal under Rule 23 of the Central Civil Services (Classification, Control & Appeals) Rules 1965. This is a meaningful remedy, and it cannot be taken away. The impugned order states that it is issued-

"For and on behalf of the President of India".

For this reason, counsel submits that an appeal will not lie, as there is no appellate authority over the President of India.

4 This statement is contested by the respondents. They submit that an appeal will lie. If respondents point out any provision of law, naming the authority who can act as appellate authority in the case on hand, applicant shall file an appeal within thirty days of his being informed in writing the identity of such authority. If, however, respondents do not in writing name such authority within thirty days from to-day, Annexure-I will stand quashed.

5 Application is disposed of as above. No costs.

Dated the 4th October, 1993.


R RANGARAJAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURES

1 Annexure-I

Copy of the Order No.C.14011/32/89-V&L
dated 17.3.92 issued by 1st respondent.