

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
OA NO.61/2007

Tuesday this the 27th day of February, 2007.

CORAM: HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

V.D.Sisirkumar,
Assistant Commissioner,
now working as
Assistant Director of Income Tax(Exemption),
Office of the Commissioner of Income Tax,
Ayakar Bhavan, Kowdiar,
Thiruvananthapuram. Applicant's
By Advocate Mr.Godwin for Mr.P.Santhosh Kumar

V/s.

1. Union of India
represented by the Secretary,
Central Board of Direct Taxes,
Ministry of Finance,
Department of Revenue,
Government of India,
New Delhi.
2. The Chief Commissioner of Income Tax,
Kochi.
3. The Commissioner of Income Tax,
Thiruvananthapuram. Respondents
By Advocate Ms.Viji for Mr.Sunil Jose ACGSC

The application having been heard on 27.2.2007 the Tribunal delivered the following on the same day:

Hon'ble Mrs.Sathi Nair, Vice Chairman

(ORDER)

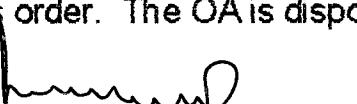
The applicant is working as Assistant Commissioner under the Office of the 3rd respondent. He was charge sheeted for certain irregularities and was awarded punishment of censure by the order under Rule 15 of CCS(CCA) Rules vide Annexure A-3 dated 28/6/2006. The

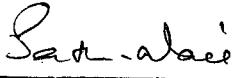
applicant submitted an appeal under rule 26 of the CCS (CCA) Rules before the Appellate Authority on 21/7/2006. It is his contention that the appeal has not yet been disposed and in the meantime his juniors have been promoted as Deputy Commissioner vide Annexure A-5 order dated 19/9/2006 against which he has submitted Annexure A-6 representation. He has sought the following reliefs:-

- i) to declare that the applicant is entitled for promotion as Deputy Commissioner with effect from 1.1.2006.
- ii) to call for the records leading to Annexure A-3 order imposing penalty of censure to the applicant and set aside the same.
- iii) to direct the 1st respondent to consider Annexure A-6 representation for getting promotion as Deputy Commissioner under the respondents. AND
- iv) to grant such other further reliefs as this Hon'ble Tribunal may deem just, fit and proper in the circumstances of the case.

2. Though the respondents were given time for taking instructions, it is submitted no instructions have been received. The punishment of 'censure' applicant was imposed on 28/6/2006 and the appeal dated 21/7/2006 against the same is still pending and it is also submitted that the applicant is due to retire on 31/12/2007.

3. In view of the above, we direct the first respondent to dispose of the statutory appeal vide Annexure A-4 dated 21/7/2006 within a period of one month from the date of receipt of this order and thereafter to consider the case/representation of the applicant in the light of the rules. This shall be done within a period of two months from the date of receipt of this order. The OA is disposed of accordingly.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN