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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A. NO. 746/87

Shri Raghunath Narayan Thakur
Income Tax Officer
OSDC-III Ward
A/5 Earnest House
Nariman Point
Bombay 400021

Applicant

V/s

1. Union of India
Through Secretary
Ministry of Finance
Dept. of Revenue
New Delhi
2. The Central Board of Direct Taxes
through Secretary
New Delhi
3. The Union Public Service Commission
through Secretary
New Delhi
4. Shri D C Shukla
Commissioner of Income Tax
5. The Commissioner of Income Tax
Bombay City-III
Bombay & 76 others

Respondents

Coram: Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) P S Chaudhuri

TRIBUNAL'S ORDER
(PER: B C GADGIL, VICE CHAIRMAN)

DATED : 6.10.1988

Shri Mahalle for the applicant. Shri J D Desai (for Shri M I Sethna) for respondents nos. 1 to 5. Shri G G Pai, Income Tax Inspector from respondent no. 4's office is also present. He states that some of the respondents from no. 6 to 77 have been served. The notices to the other respondents from nos. 6 to 77 have been sent to respondent no. 2 for service. No communication has been received from the Secretary of respondent no.2 that those notices have been served or not. Rule

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11(1)(iv) of the Central Administrative Tribunal (Procedural) Rules provide that the Tribunal in its discretion can direct the service of notice through head of the concerned department. It is surprising that this matter is lingering for service of notice, though the Tribunal has directed respondent no. 2 to serve the notices. We may observe that previously on 18.4.1988 we have directed the Secretary of respondent no.2 to report the service or to appear in person as to why service of notice has not been effected. However, neither a compliance report was sent nor the Secretary appeared to give any explanation on 6.6.88. Thereafter, on 16.8.88 a fresh order was passed that respondent no. 2 should serve the notices. Even this order has not been complied.

In view of the above facts, we would like to consider as to whether it is necessary to initiate contempt proceedings against the Secretary of respondent no.2 for not obeying the orders. However, we would think about it on the next date in case even now respondent no.2 does not care to serve the notices to the remaining respondents. We hereby direct the respondent no.2 to serve the notices to respondents nos. 6 to 77 including the respondents already served. We further direct that the notices to these respondents which are lying with respondent no.2 should be amended by changing the date of appearance as 28.11.1988 and thereafter serve the notices and send the compliance report about the service. We hasten to add that if all this is not done, the question of initiating contempt proceedings will have to be seriously considered.

Two copies of this order should be given, one to Shri J D Desai and the other to Shri Pai so that both or either of them would send that copy to respondent no.2. We are giving this direction so that respondent no. 2 should have no occasion to say that a copy of

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this order has not been served upon him. A copy of this order should also be given to Shri Mahalle. He is at liberty to send that copy to respondent no. 2 for his information and compliance.

Adjourned to 28.11.1988 for service of notice on respondents nos. 6 to 77 and for their reply. The matter be kept before the Tribunal for reply and direction.

P.S. Chaudhuri

(P.S. Chaudhuri)
Member(A)

B.C. Gadgil

(B.C. Gadgil)
Vice Chairman