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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No. 664/87.

Shri Jagdish Ramdhan Singh Applicant

Vs

The Commissioner of Income Tax
Central-I,
Bombay & Others.

Respondents

Coram: Hon'ble Member (A) Shri L.H.A.Rego
Hon'ble Member (J) Shri M.B.Mujumdar

Appearances:

1. Shri M.A.Mahalle
Advocate
for the Applicant.
2. Shri P.M.Pradhan
Advocate
for the Respondents.

TRIBUNAL'S ORDER

Date: 2-2-1988

Heard Shri Mahalle, advocate for the applicant and Shri P.M.Pradhan for the Respondents.

- (1) Admit.
- (2) Respondents shall file their reply on 18-3-1988, with a copy to the applicant's advocate.
- (3) Regarding interim relief, we are of the view that the applicant is not entitled to the same as prayed for by him. It is true that on 6-2-1985 four charges were framed against him. The Inquiry Officer came to the conclusion that Charges Nos 1 and 3 were not proved but Charges Nos 2 and 4 were proved. After the report was received by the Disciplinary Authority the Commissioner of Income Tax directed that a fresh charge sheet should be issued to the applicant and he should be given an opportunity to have his say in the matter. Regarding the applicant's representation for revocation of the suspension order which was passed on 15-7-82, he directed that the decision on that point will be taken on completion of the enquiry regarding the fresh charge sheet.
- (4) A copy of the fresh charge sheet is produced at page 13 of the paper book. The charge reads as follows:-

" Shri Jagdish Ramdhan Singh while functioning

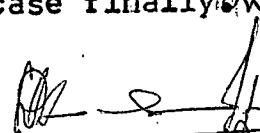
as U.D.C. and Head Clerk in the Income Tax Department during the period from 29-11-1965 to 12-7-1982 amassed assets disproportionate to his income amounting to Rs.2,43,706/- as on 12.7.1982.

Shri Jagdish Ramdhan Singh by his above acts exhibited lack of integrity and thereby contravened provisions of Rule 3(1)(i) of C.C.S.(CCA) Rules."

(5) It was submitted by Mr. Mahalle, the learned Advocate for the applicant that the above fresh charge is the same as charge No.1 in the charge sheet dtd. 6-2-1985. We find that there is substantial difference at least regarding the quantum of assets in the fresh charge. Prima facie we do not think that the Disciplinary Authority has committed any mistake in framing a fresh charge like this.

(6) In any case the fresh charge is served on the applicant on 2-9-1987. The applicant is given an opportunity to give his say and defend himself in the departmental proceedings. Hence we are of the view that the applicant will not be entitled to ask for stay against the departmental enquiry on the fresh charge. We therefore reject the applicant's request made in para 10 of the application. For removing the doubts we clarify that the respondents are at liberty to proceed with the departmental enquiry on the fresh charge framed against the applicant on 2-9-1987.

(7) We deem it necessary to observe that whatever we have said above is only for the purpose of deciding the question of interim relief and will not be taken into account while deciding the case finally on merits.


(L.H.A. REGO) 2-9-87
Member(A)


(M.B. MUJUMDAR)
Member(J)