

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No. 412/96

7.2.1997
Date of Decision

D.H.Koli

Petitioner

Shri P.A.Prabhakaran,

Advocate for the Petitioner.

Versus

The Chief CIT, Bombay & Anr. Respondent

Shri D.N. Pandya for
Shri M.I.Sethna, C.G.S.C. Advocate for the Respondents.

Coram:

The Hon'ble Mr. M.R.Kolhatkar, Member(A),

The Hon'ble Mr. D.C.Verma, Member(J).

1. To be referred to the Reporter or not?

2. Whether it needs to be circulated to other Benches of the Tribunal?

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER(A).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 412 OF 96.

Friday, the 7th day of February, 1997.

Coram: Hon'ble Shri M.R.Kolhatkar, Member(A),
Hon'ble Shri D.C.Verma, Member(J).

D.H.Koli,
Building No.109,
Room No.3133,
Transit Camp,
Kannamwar Nagar-2,
Vikhroli (E),
Mumbai - 400 083. Applicant.

(By Advocate Shri P.A.Prabhakaran)

V/s.

1. Chief Commissioner of
Income Tax, Bombay,
3rd Floor, Aayakar Bhavan,
M.K.Road, Mumbai - 400 020.

2. Dy. Commissioner of Income Tax,
Administration I,
Aayakar Bhavan, 2nd Floor,
M.K.Road,
Mumbai - 400 020. Respondents.

(By Advocate Shri P.N.Pandya for
Shri M.I.Sethna, C.G.S.C.)

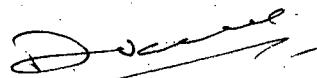
ORDER (ORAL)

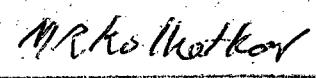
(Per Shri M.R.Kolhatkar, Member(A))

In this O.A. the applicant has sought the relief of directing the respondents to effect the change of name of the applicant from Devshi to Dinesh in all existing and future records relating to the applicant. The applicant is working as LDC in the Income Tax Department since 1963 and is due to retire on 31.8.1997. It is not disputed that the Rules relating to change of name are laid down by the Government Orders dt. 12.3.1987 which appear at page 21 of the O.A. It is also not in dispute that the applicant has complied with the requirements of these rules. The department, however, has refused his request on the ground of delay and also on the basis of legal advice received by them to the effect that the applicant is required to file a

Civil Suit in the City Civil Court for change of name.

We have considered the matter. According to us, this matter squarely falls within the definition of service matters as given in section 3(1) of the Administrative Tribunals Act. The learned counsel for the respondents was not able to cite any authority to the contrary. The reason for obtaining legal advice was delay and so far as the delay is concerned, the applicant had explained the delay by saying that he had misplaced the relevant Government Gazette which was not considered by the department to be satisfactory which was of the view that the change of name might create repercussions in other matters of Civil or Criminal nature. In our view, the stand taken by the department is not reasonable and the applicant having complied with the requirements of the Rules, the department was not right to refuse his request. The department can, of course, protect its interests by imposing appropriate conditions to guard against unforeseen contingencies. But subject to above, the department is directed to concede the request of the applicant for change of name. Action in this regard should be completed within two months from the date of communication of the order. There will be no orders as to costs.


(D.C. VERMA)
MEMBER (J)


(M.R. KOLHATKAR)
MEMBER (A)

B.