

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 338 of 2001.

Dated this Monday, the 11th day of June, 2001.

CORAM : Hon'ble Shri Justice B. Dikshit, Vice-Chairman.

Hon'ble Shri B. N. Bahadur, Member (A).

Dhananjay M. Dahiwalé,
residing at -
D-2, L/21, Artist Village,
C.B.D. Belapur,
New Bombay.

... Applicant.

(By Advocate Ms. S. R. Sawant)

VERSUS

1. Union of India through
the Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.

2. Chief Commissioner of Income Tax,
Aaykar Bhavan,
M.K. Road,
Mumbai - 400 020.

... Respondents.

(By Advocate - none).

OPEN COURT ORDER

PER : Shri Justice B. Dikshit, Vice-Chairman.

Heard Ms. S. R. Sawant, the Learned Counsel for the Applicant.

2. The applicant in this case is an Inspector who has been suspended by Respondent No. 2 vide order dated 09.02.2001. The case in respect of criminal offence is under trial against him. The applicant feels aggrieved by said suspension order. The main

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ground on which relief sought is that he being from Income Tax Department has been suspended by Respondent No. 2 for an incident which is of the year 1997-98, when he was Examiner of Customs under the Chief Commissioner of Customs, while the other persons who are said to be involved in the alleged incident from Customs Department have not been suspended. On that basis it is being argued by Learned Counsel for applicant that applicant has been discriminated. The applicant is working under Chief Commissioner of Income Tax, Respondent No. 2 and it is not the case of applicant that others, with whom he claims that he has been discriminated are under same authority. As the authority are different, it cannot be a case of arbitrary discrimination. It is for the officers of the Customs to see whether officials from Customs Department require any action or not but so far as Respondent No. 2 is concerned, he has not committed any error which may vitiate his order on the ground of discrimination. Respondent No. 2 has acted well within the scope of his power in suspending the applicant.

3. The Learned Counsel for the applicant has also argued that the applicant had made a representation to the Chief Commissioner of Income-Tax-I, Aaykar Bhavan, M.K. Road, Mumbai, for revoking the suspension order. The counsel has contended that atleast the representation made on 08.03.2001 be disposed of. In case any such representation has been made, then this order will not be impediment in the way of Respondent No. 2 to dispose of the same and he is absolutely free to deal with it.

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4. Subject to above observations, the O.A. stands dismissed.

No order as to costs.

B. Bahadur

(~~B. N.~~ BAHADUR)
MEMBER (A)

B. Dikshit

(B. DIKSHIT)
VICE-CHAIRMAN

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