

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:671/2001
DATED THE 11TH DAY OF JAN, 2002

CORAM:HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

Shri R.K.Vohra,
A/701, Eden III,
Hiranandani Gardens,
Powai, Mumbai - 400 076.

... Applicant

By Advocate Shri P.A.Prabhakaran

V/s.

1. Union of India through
The Chairman,
Central Board of Direct Taxes,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi - 110 001.
2. The Chief Commissioner of Income-Tax,
Mumbai, 3rd Floor, Aayakar Bhavan,
M.K.Road, Mumbai - 400 020.
3. The Commissioner of Income Tax,
Mumbai City - 23, Mumbai
C-12, IT Offices,
Bandra Kurla Complex,
Mumbai - 400 051.

... Respondents

By Advocate Shri V.G.Rege

(ORAL)(ORDER)

Per Shri B.N.Bahadur, Member(A)

This is an application made by Shri R.K.Vohra to quash the impugned memo under Rule 16 at page-12. During the pendency of this OA, it transpires that the enquiry ordered has been decided. Proceedings have thus been concluded. We have heard Learned Counsel for Applicant, Shri P.A.Prabhakaran and Learned Counsel for Respondents Shri V.G.Rege. As the facts and issues are under a short compass, we are deciding it at the stage of admission, after hearing both sides.

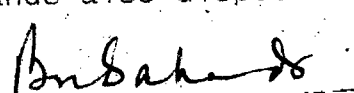
...2.

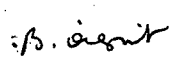
2. The Learned counsel for applicant states that MP-37/2002 has been filed for amendment of OA. He argued this M.P. to say that now that the penalty of censure has been imposed upon him and since he had earlier contested only the ^{memo} issued for Enquiry, the applicant should be allowed to amend the application and contest the penalty of censure now imposed. In other words, he pleads that MP be allowed for amendment.

3. As pointed out by Counsel for Respondents, the proceedings have been completed and there is nothing wrong in that since there was no interim order given against such action. Since a penalty has now been imposed on applicant, the remedy of appeal against this order has become available under the rules. It is argued by Counsel for Respondents that it would be appropriate in the context of this development that the applicant goes in appeal as per normal rules.

4. Upon consideration of arguments made before us, we are convinced that the OA has become infructuous. The MP-37/2002 also cannot be allowed, as the Applicant should appropriately prefer an appeal against the order of censure and the Government should first consider the appeal and decide it.

5. In the circumstances, we are disposing of this OA as infructuous with a direction that appeal be made to competent authority by applicant. The Appeal shall be decided on merits and in accordance with law within a period of three months from the date of its filing. The OA is disposed of accordingly subject to above direction. No orders as to costs. MP-37/2002 stands also disposed of.


(B.N. BAHADUR)
MEMBER(A)


(BIRENDRA DIKSHIT)
VICE CHAIRMAN