

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.No.647/2001

Dated this Wednesday the 5th Day of December, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt.Shanta Shastry, Member (A).

T.N. Rohira,
working as Income Tax Officer
(Under Suspension), residing at
Flat No.7, Lalsai Apartments,
Sant Kanwarram Road,
Ulhasnagar - 421 001.

.. Applicant.

(By Advocate Shri G.K. Masand) with
Shri R.S. Tulaskar, Advocate)
VERSUS

1. Union of India, thorough
the Secretary in the Ministry
of Finance, Department of Revenue,
North Block, New Delhi - 110 001.

2. Commissioner of Income Tax,
Mumbai City-XI, Charni Road,
Mumbai - 400 002.

.. Respondents.

ORDER (ORAL)

[Per : Smt.Shanta Shastry, Member (A)]

The applicant in this O.A. was placed under suspension vide Order dated 1.2.2001 on being kept under Police Custody from 26.1.2001 to 29.1.2001. The applicant has prayed for revocation of the suspension order as the Respondents have not taken any action. Thereafter the Learned Counsel for applicant submits that now the charge sheet has been filed and the applicant is due to retire in the month of March, 2003.

2. Learned Counsel for the applicant has drawn our attention to the CCS (CCA) Rules regarding suspension

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in particular he has referred to Item no.13 in Chapter II of the Suspension Digest in Swamy's Compilation of CCS(CCA) Rules. According to him since the investigation is completed now there is no likelihood of any tampering of evidence by the applicant and therefore the suspension should be revoked.

3. He further mentions that he has already represented to the Respondents vide his letters dated 2.5.2001, 18.5.2001, 29.6.2001 and 3.8.2001 requesting to revoke the suspension and to permit him to join duty at the earliest.

4. His representation has not so far been replied to. We therefore are of the view that in the interest of justice respondents should be directed to dispose of these representations at the earliest within a period of three (3) weeks from the date of receipt of copy of this order keeping in view the guidelines laid down in the CCS(CCA) rules in regard to revocation of suspension and also in view of the impending retirement of the applicant due in March, 2003 and we do so accordingly.

5. The O.A. is disposed of accordingly, with no order as to costs.

Shanta Shastri

(Smt.Shanta Shastri)
Member (A)

B. Dikshit

(Birendra Dikshit)
Vice Chairman.

H.