

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 22ND DAY OF DECEMBER, 1986.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego, .. Member(A).

APPLICATION NUMBER 1995 OF 1986.

T.N. Surendra Kumar,
S/o late T.G. Nagarajaiah,
Aged 51 years, 'Lakshmi', 437,
44th Cross, 8th Block, Jayanagar,
Bangalore-82. .. Applicant.

(By Sri Ranganatha Jois, Advocate)

v.

1. The Union of India,
represented by its Secretary,
Ministry of Finance, New Delhi-1.
2. The Chairman, Central Board of
Direct Taxes, New Delhi.
3. The Chief Commissioner of Income
Tax (Admn.) and Commissioner of Income
Tax in Karnataka-I,
Bangalore-1. .. Respondents.

(By Sri M.S. Padmarajaiah, Standing Counsel)

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This application coming on for hearing this day Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the Administrative Tribunals Act of 1985 the applicant has challenged the validity of Rule 56(j) of the Fundamental Rules ('FR 56(j)') and order No.E.3/ITO/1985-KTK dated 15-1-1986 of the Chief Commissioner (Admn.) and Commissioner of Income-Tax, Karnataka-I, Bangalore ('Commissioner') (Annexure-B) compulsorily retiring him from service with effect from 15-1-1986 with three months' pay in lieu of three months' notice.

2. The

2. The applicant initially joined service in the Income Tax Department, Government of India on 18-1-1957 as a Lower Division Clerk. On his passing various departmental examinations, he was promoted as an Upper Division Clerk, Head Clerk, Inspector of Income Tax and finally as Income Tax Officer (Group-B) ('ITO') on 31-3-1979. While working as ITO, the Commissioner exercising the powers conferred on him has retired the applicant on 15-1-1986.

3. The applicant has been retired on the recommendations of a Screening Committee held on 31-3-1986 which had examined the cases of Aswathanarayana and six others. In the case of the applicant the Screening Committee had found that the integrity of the applicant was doubtful.

4. In S.B.ASWATHANARAYANA AND OTHERS v. GOVERNMENT OF INDIA AND OTHERS (Application No.132 of 1986 and connected cases decided on 28-11-1986) reiterated by us in A.R.NAGARAJA V. COMMISSIONER OF INCOME-TAX, KARNATAKA, BANGALORE AND ANOTHER (A.No.1348 of 1986 decided on 22-12-1986) we have examined all the four points that arise for determination in this case and rejected every one of them for the detailed reasons stated in Aswathanarayana's and Nagaraja's cases. For the very reasons stated in Aswathanarayana's and Nagaraja's cases the challenge of the applicant to FR 56(j) and the order of retirement is liable to be dismissed.

5. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

W.S. Pullaiah
VICE-CHAIRMAN.
22/12/86

[Signature]
MEMBER(A) (CS)
22.12.86