

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE SECOND DAY OF DECEMBER 1986

Present : Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATION No.619/86

B.V. Pawar,
No.244/31/4, Nandagadkar Brothers,
Tahasildargalli,
Belgaum.

... Applicant

(Shri C. Prakash ... Advocate)

V.

The Chief Commissioner
(Administration) and
Commissioner of Income Tax,
Karnataka I,
Bangalore.

... Respondent

(Shri M.S. Padmarajaiah ... Advocate)

This application has come up for hearing before this
Tribunal today, Hon'ble Member (J) made the following:-

O R D E R

In this application the applicant prays that the order dated 3.4.1986 passed by the respondent under Rule 11(vi) read with Rule 15(4) of the Central Civil Services (Classification, Control (Rules, for short) and Appeal) Rules, 1965 in Case No.34/Vig/BVP/85/CC may be set aside (Annexure B) for the reasons stated in the application.

2. In para 6 of reply filed by the respondents it is stated that the applicant has not exhausted the right of appeal provided in the rules against the order of the disciplinary authority to the Central Board of Direct Taxes, New Delhi and since the applicant has not exhausted all remedies provided in the rules he is not entitled to any relief in this application under Section 21 of the Administrative Tribunals Act, 1985. The objection taken by the respondents is formidable and we are, therefore, not in a position to give any relief in this application. The applicant is at liberty to move the appellate authority without prejudice to the contentions raised in this application.

3. Shri M.S. Padmarajaiah, learned counsel for respondents has invited our attention to the fact that this Tribunal had granted stay of operation of the impugned order (Annexure B) in and by its order dated 12.5.1986 passed by this Tribunal. Since the application is treated as closed the stay granted by this Tribunal earlier will stand vacated forthwith.

4. In the result the application is disposed of as indicated above. No orders as to costs.

Chintamani

MEMBER (J)

Chintamani

MEMBER (A)

2. vi. 1986

bsv