

filed in Court

19/2/88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

C.C.A.No.10 of 1988 in

Application No.20/1987(F)

Between:

Sri S.B.Aswathanarayana

.. Complainant/
Applicant.

And:

Sri M.Y.M.K. Menon,
Chief Commissioner of Income-tax,
(Karnataka, Goa & Kerala),
Bangalore.

.. Accused/
Respondent.

I N D E X

S.No. Particulars Page Nos.

1. Reply under Rule 12 of the 1 to 4
Central Administrative
Tribunal Rules, 1985

Bangalore

Dated: 19/2/88

M. Nadarajah
SR. CENTRAL GOVT. STANDING COUNSEL
AND ADVOCATE FOR RESPONDENT

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(Karnataka, Goa & Kerala),
Bangalore. .. Accused/
Respondent.

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REPLY OF RESPONDENT

The Respondent submits as follows:-

1. The complainant in the above application has prayed for the following reliefs:-

To initiate appropriate proceedings against the accused/respondent under Sections 11, 12 and 13 of the Contempt of Courts Act, 1971, read with Section 17 of the Central Administrative Tribunal Act, 1985, for wilful disobedience of the order of this Hon'ble Tribunal and be further pleased to ensure that the orders of this Hon'ble Tribunal are obeyed immediately, in the interests of justice and equity.

2. The Respondent respectfully submits that the applicant is not entitled for reliefs and proceedings are liable to be dropped for the following

reasons and facts :-

3. It is submitted that Shri S.B.Aswathanarayana, the applicant, Income-tax Officer was retired under FR.56(j) with effect from 15-1-1986 in public interest. Earlier to his retirement, disciplinary proceedings had been initiated against him. He filed application No.20 of 1987 before this Hon'ble Tribunal against these proceedings and this Hon'ble Tribunal by its order dated 26-6-1987 quashed the charge-sheet issued to the applicant and directed payment of full pension, DCRG and other accrued pensionary benefits which had been withheld with effect from 16-1-1986 without interest within a period of 3 months from the date of the receipt of the Hon'ble Tribunal's order. Since an appeal to the Supreme Court was contemplated against this decision, this Hon'ble Tribunal was approached on the same date for stay of its order and the Hon'ble Tribunal by its order dated 26-6-1987 stayed the operation of its order for a period of 2 months from that date. Since no appeal could be filed within the extended date, the Hon'ble Tribunal were approached twice and by their orders dated 26-8-1987 and 16-10-1987, further extension of the stay was granted finally upto 15-12-1987.

4. In the meanwhile, the Respondent wrote letter on 7-10-1987 to the Tax Recovery Officer to prepare and keep ready the pension papers and other papers relating to retirement benefits. Meanwhile, the Respondent was also in touch with the Central Board of Direct Taxes, New Delhi to ascertain whether an appeal

had actually been filed and stay had been ordered by the Supreme Court. Since there was no information about a stay order by the Hon'ble Supreme Court though the Respondent was informed that an appeal was being filed, on 30-12-1987, the Respondent ordered for steps for disbursement of the retirement benefits to the applicant if there was no stay by the Supreme Court by the time the actual disbursement was made. After ascertaining that there was no stay by the Hon'ble Supreme Court, the Respondent ordered disbursement of the retirement benefits to the applicant on 7-1-1988 and further action was taken by issuing a letter to the Zonal Accounts Officer on 11-1-1988 requesting him to make the disbursement. The Tax Recovery Officer who has to prepare the necessary papers also prepared and forwarded all the papers to the Zonal Accounts Office on 12-1-1988 so that the Accounts Officer could make the disbursement.

5. The Respondent submits respectfully that the facts already narrated above will show that adequate steps were being taken to arrange for the payments due to the applicant in obedience to the orders of this Hon'ble Tribunal and the payment of the benefits has been authorised and arranged for even before the receipt of the copy of the contempt application by the Respondent. This will clearly show that effective and timely steps were taken by the department for complying with the directions of this Hon'ble Tribunal and there was absolutely no disregard to the directions of this Hon'ble Tribunal for payment of the retirement benefits due to the applicant. Since steps have been taken to settle the claims of the applicant, there is no disregard to the directions of this Hon'ble Tribunal.

Wherefore, it is prayed that this Hon'ble Tribunal be pleased to drop the contempt proceedings against the Respondent, in the interests of justice and equity.

RESPONDENT

Bangalore.

(M.Y.M.K. MENON)

Dated: 3. 2. 1988

Chief Commissioner of Income-tax
(Karnataka, Goa and Kerala)
Bangalore.

M.Y.M.K. Menon
SR.CENTRAL GOVT-STANDING COUNSEL
AND ADVOCATE FOR RESPONDENTS

VERIFICATION

I, M.Y.M.K. Menon, Chief Commissioner of Income Tax, (Karnataka, Goa & Kerala), Bangalore, do hereby declare that what is stated in paras 1 to 5 above, are true to the best of my knowledge, information and I believe them to be true.

RESPONDENT

Bangalore

(M.Y.M.K. MENON)

Dated: 3. 2. 1988

Chief Commissioner of Income-tax
(Karnataka, Goa and Kerala)
Bangalore.

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And:

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Tribunal Rules, 1985

Bangalore

Dated: 19/12/88

S. B. Asuathanarayana
SR. CENTRAL GOVT. STANDING COUNSEL
AND ADVOCATE FOR RESPONDENT

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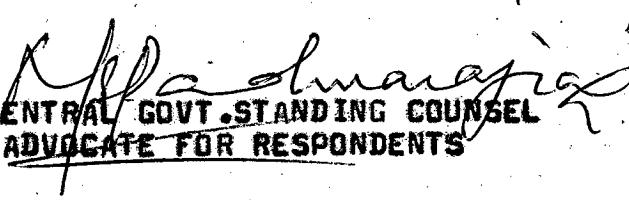
RESPONDENT

Bangalore.

Dated: 3.2.1988


(M.Y.M.K. MENON)

Chief Commissioner of Income-tax
(Karnataka, Goa and Kerala)
Bangalore.


SR.CENTRAL GOVT-STANDING COUNSEL
AND ADVOCATE FOR RESPONDENTS

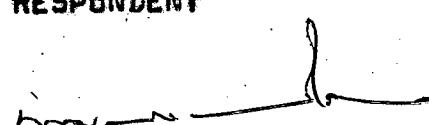
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