

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 885/90

198

~~Ex. No.~~DATE OF DECISION 18.4.1991Balkisan L. Didwani PetitionerShri M.A. Mahalle Advocate for the Petitioner(s)

Versus

Commissioner of Income Tax, Respondent
Vidharbha, Nagpur & Ors.Shri K.D. Kelkar Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y. Priolkar, Member (A)

The Hon'ble Mr. T.C. Reddy, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*


 (M.Y. Priolkar)
 Member (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
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Original Application No.885/90

Balkisan Laxmichand Didwani,
Sandeep Bhavan,
8 Athalye Plot, Akola 444 005

... Applicant

V/s

1. Commissioner of Income Tax,
Vidharbha, Nagpur.
2. Deputy Commissioner of Income Tax,
Akola Range, Akola.
3. Deputy Commissioner of Income Tax,
Range 1, Nagpur

... Respondents

CORAM : Hon'ble Member (A), Shri M.Y.Priolkar
Hon'ble Member (J), Shri T.C.Reddy.

Appearances:

Shri M.A.Mahalla, Advocate,
for the applicant and
Shri K.D.Kelkar, Advocate,
for the respondents.

ORAL JUDGEMENT:

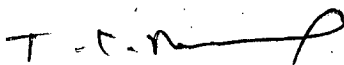
Dated : 18.4.1991

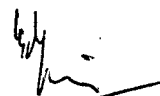
{Per. M.Y.Priolkar, Member (A) }

The grievance of the applicant in this case is that he was suspended by order dated 28.6.1990 by an order of Deputy Commissioner of Income Tax, Akola and the suspension is being continued in contravention of the guidelines issued by the Ministry of Home Affairs, Department of Training & Personnel under which it is obligatory on the departmental authorities ~~firstly~~ to explore the possibility of transferring the employees concerned, to file the charge sheet within three months and also keep the suspension period to the barest minimum. According to the applicant, the suspension is

already in force for over nine months but no review has been conducted by the respondents as required under the guidelines stated above.

2. The learned counsel for the respondents could not give any convincing reason why suspension is being continued inspite of the guidelines except to say that respondents are entitled to furnish the reasons for delay, if any, only at the time of filing the charge sheet. We are not at all satisfied with this explanation of the respondents. Accordingly we direct that the respondents should review the suspension order dated 28.6.90 within six weeks from the date of receipt of a copy of this order in terms of the guidelines on this subject referred to in this application and decide about the continued suspension of the applicant or otherwise after giving detailed reasons therefor^{or}~~for~~. With this direction this application is disposed of at the admission stage itself. Reasons for the decision taken will be communicated to the applicant who will be at liberty to approach this Tribunal again if he is still aggrieved with the decision. There will be no order as to costs.


(T.C.Reddy)
Member(J)


(M.Y.Priolkar)
Member(A)