

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(X)

O.A. NO: 603/90

199

T.A. NO: ---

DATE OF DECISION 3-1-1992

Rupak Narendra Bahadur Petitioner

Mr. M.A. Mahalle Advocate for the Petitioners

Versus

Chairman, C.B.D.T. and another Respondent

Mr. P.M. Pradhan Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, Vice-Chairman

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *N*

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(U.C. SRIVASTAVA)

MD

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.603/90

Rupak Narendra Bahadur,
31.B/26,
Takshila Apt.
Mahakali Caves Road,
Andheri (E),
Bombay - 400 093.

.. Applicant

vs.

1. Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi.

2. Chief Commissioner of Income Tax
(Admn.)
Aayakar Bhavan,
Maharshi Karve Road,
Bombay - 400 020.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman

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

Appearances:

1. Mr.M.A.Mahalle
Advocate for the
Applicant.

2. Mr.P.M.Pradhan
Counsel for the
Respondents.

ORAL JUDGMENT:

Per U.C.Srivastava, Vice-Chairman

Date: 3-1-1992

The applicant who was recruited as Inspector of Income Tax on 25th June, 1977 was promoted as Income Tax Officer Class-II in the year 1990. Vide order dated 14th May, 1990 he was placed under suspension and disciplinary proceedings were contemplated against him. A memorandum was issued to the applicant on 28-5-90 and he was required to submit his reply to the same which he did. The applicant made representations for revoking the suspension order on various ground but that prayer was not allowed. The applicant has

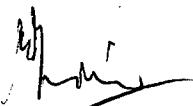
challenged the said suspension order on the ground that there was no justification for keeping him under suspension and further he has got clean chit from the vigilance department. In support of his claim the learned counsel also relied on a judgment of this Bench in O.A.302/87, N.P.Jadhav v. Union of India.

2. The respondents have resisted the claim of the applicant by filing their written statement and it has been stated that the applicant has filed an appeal against the order passed by the C.B.D.T. to the President of India which was rejected. According to the applicant President of India has no authority to do so. It has been brought to our notice by means of written statement that CBI has already held an inquiry against him and an Inquiry Officer has to be appointed and the proceedings are to be taken against him. It may be that certain delay and technical flaw has taken place. The technical flaws are not enough to invalidate a suspension order. Executive directions have not been complied with though it should have been.

3. As the applicant is under suspension for the last $1\frac{1}{2}$ years and the matter should not be delayed further accordingly we direct that the CBI should appoint an Inquiry Officer and serve the chargesheet within a period of one month from today and enquiry shall be completed within

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three months thereafter and the applicant shall fully cooperate with the inquiry. In case the enquiry is not concluded within this period despite ^{full} cooperation by the applicant the suspension order shall stand quashed. The application has been disposed of accordingly.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman

MD