

(b)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P. 194/92 in
Original Application No. 561/91

Shri Balkisan Laxmichand Didwani

... Applicant.

V/s.

Commissioner of Income Tax
Vidharbha, Nagpur.

Deputy Commissioner of
Income Tax, Akola Rande
Akola.

Deputy Commissioner of
Income Tax Range I
Nagpur.

... Respondents.

CORAM: Hon'ble Shri M.Y.Priolkar, Member (A)
Hon'ble Shri V.D. Deshmukh, Member (J)

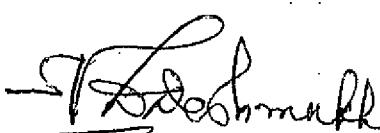
Appearance:

Shri M.A.Mahalle, counsel
for the applicant.

TRIBUNAL's ORDER

Dated: 26.2.93

Mr. Mahalle states that the judgement
dated 18.6.92 has since been fully complied with and
he does not ^{wish to} pursue this C.P. This C.P. is accordingly
disposed of as withdrawn.


(V.D. DESHMUKH)

MEMBER (J)


(M.Y. PRIOLKAR)

MEMBER (A)

NS/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 561/91

198

Ex-A-Nex

DATE OF DECISION 18-6-91B L DIDWANI

Petitioner

MR. M A MAHALLE

Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS.

Respondent

MR. K D KELKAR

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

JUSTICE S K DHAON, 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?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

N.D

S
V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PREScot ROAD; BOMBAY-1

OA No.561/91

Balkisan Laxmichand Didwani
Sandeep Bhavan
6 Athalye Plot
Akola 444005

..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. Shri Justice S K Dhaon, V.C.
Hon. Shri M Y Priolkar, Member(A)

APPEARANCE:

Mr. M A Mahalle
Counsel
for the applicant

Mr. K D Kelkar
Counsel
for the respondents

ORAL JUDGMENT:
(PER: S K Dhaon, Vice Chairman)

DATED: 18.6.1992

The applicant has once again approached this Tribunal. On 28th June, 1990 he was suspended by the Deputy Commissioner of Income Tax, Akola. He came to this Tribunal on 19.4.1991. This Tribunal directed the respondents to review the suspension order dated 28.6.90 within six weeks from the date of receipt of a copy of the order in terms of the guide lines on the subject, and decide about the continued suspension of the applicant after giving reasons therefor.

2. The Deputy Commissioner, Income Tax, by his order dated 26.7.91 has held that the applicant shall continue to remain suspended. He has given some reasons. However, he has not adverted at all to paragraph 3(c) of the guidelines which, inter-alia, provides that the officer passing the order of suspension shall consider as to whether the purpose cannot be served by transferring the official from his post to a post where he may not repeat the misconduct or influence the investigations, if any, in progress. It also enjoins upon the competent authority that if the purpose cannot be served by transferring the official from his post to another post, then he should record reasons therefor before placing the official under suspension. It is apparent that sub-rule 3(c) was in the mind of this Tribunal when it directed the respondents to review the order of suspension and take the view whether the same should continue.

3. The applicant was at the relevant time, a Upper Division Clerk. We feel that the ends of justice would be met if, instead of keeping him under suspension for an indefinite period, he is transferred to some other town outside Akola and given some post where the possibility of his coming in contact with members of the public is less. The Deputy Commissioner, Income Tax, Akola should, therefore, transfer the applicant and assign an appropriate post to him for the time being.

Jy

-3-

If the applicant is transferred out of station
he will be entitled to Travelling Allowance.

The order of suspension is revoked. With these
directions the application is disposed of.

No order as to costs.


(M Y Priolkar)
Member (A)


(S K Dhaon)
Vice Chairman

trk