

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 952/92

199

~~xxxxxxx~~

DATE OF DECISION 12-10-92

B G Shinde

Petitioner

Mr. M A Mahalle

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. 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 ?

*Sd/-*  
V.C.

mbm\*

TRK

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

OA No.952/92

B G Shinde  
Income-tax Officer  
Ward 4(10) PMT Building  
Swargate; Pune  
C/o. M A Mahalle  
8A, Aameya  
Near Kirti College  
Prabhadevi  
Bombay 28

..Applicant

V/s.

1. Chief Commissioner of  
Income-tax, Pune
2. Commissioner of Income-tax  
Pune
3. Shri Amit Chowshish  
Inquiry Officer  
Commissioner of Departmental  
Enquiry, Jamnagar House  
Hutments; Akbar Road  
New Delhi 11

..Respondents

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

APPEARANCE:

Mr. M A Mahalle  
Advocate  
for the applicant

Mr. Kelkar  
Counsel  
for the respondents

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

DATED: 12-10-92


Disciplinary proceedings are going on  
against the applicant, an Income-tax Officer.  
During the course of the proceedings, he made  
an application to the Commissioner of Income-tax  
praying that he may be given the assistance of a  
practicing lawyer, Mr. M A Mahalle. The Commissioner

has declined the request. The applicant preferred an appeal, which too has been dismissed. These two orders are being impugned in the present application. The reason given for not giving the applicant the assistance of Shri Mahalle, who is not only a practicing lawyer but also a retired Deputy Commissioner of Income-tax, is that the departmental representative before the Inquiry Officer is not a lawyer.

It appears that one Shri Phatak has been deputed by the department to represent before the Inquiry Officer. The impugned orders clarify that it would be open to the applicant to take the assistance of any officer from the department of his choice.

2. We have considered the two orders carefully and we are of the opinion that it cannot be said that either the Commissioner of Income-tax or the appellate authority ~~failed to~~ exercised their discretion either illegally or irrationally or arbitrarily. We do not consider it a fit case for interference and hence the ~~same~~ <sup>application</sup> is rejected.

  
( M Y Priolkar )  
Member (A)

  
( S K Dhaon )  
Vice Chairman