

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 588/92 199
T.A. NO:

DATE OF DECISION 7.7.1992

SHRI B.B.JASWAL Petitioner

MR. M.A.MAHALLE Advocate for the Petitioners

Versus

THE UNION OF INDIA and ors. Respondent

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. JUSTICE S.K.DHAON, Vice-Chairman.

The Hon'ble Mr. USHA SAVARA, 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 ?

See
(S.K.DHAON)
Vice-Chairman

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO. 588/92

Beigsingh Bakshasingh Jaswal,
3rd floor, flat No. 15,
Block-A, Madhurbun
Co-op. Hosg. Society, Worli,
Bombay-18.

....Applicant

Vs.

1. The Union of India,
through the Secretary, Dept. of Revenue,
Min. of Finance, New Delhi.

2. Shri Amit. C.Cowshish,
Commissioner of Departmental Enquiry,
Central Vigilance Comm.
Jamnagar House, Akbar Road,
New Delhi-110011.

....Respondents

CORAM: Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Member Ms. Usha Savara, Member(A)

Appearance:

Mr. M.A. Mahalle, Adv. for the applicant.

ORAL JUDGEMENT

7TH JUL 1992

(PER: S.K. DHAON, Vice-Chairman)

The applicant is a retired Assistant Commissioner of Income-tax. A departmental inquiry has been set up against him. A chargesheet has been given to him. This chargesheet is being impugned in the present application.

2. The Charges relates to the period during which the applicant had acted as an Income Tax Officer. We have gone through the charges. We are satisfied, that the same are not vague. We are also satisfied that, *prima facie*, a case for further inquiry is made out from the allegations made against the applicant.

....2/-

3. Learned Counsel for the applicant vehemently argued that an Income Tax Officer, while passing an order of assessment acts in a quasi-judicial capacity and, therefore, his action in passing an order, howsoever erroneous it may be, can not tantamount to a judicial misconduct. There can be no quarrel with this proposition. We are deliberately ~~refraining~~ from going into the merits of the controversy as we feel that any observations made by us, at this stage, would be uncalled for. However, we are satisfied that this is not a fit case for interference at this stage.

4. The application is rejected summarily.

U. Savara
(USHA SAVARA) 7.92
MEMBER(A)

S.K. Dhaon
(S.K. DHAON)
VICE-CHAIRMAN