

45

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD

M.A.No.637/89 in O.A784/87.

Date of decision: 3-11--1989.

Between:

P.Venkateswarlu. .. Applicant.

Vs.

Andhra Pradesh Income-Tax
Department Employees Co-
operative Society Ltd.,
represented by its Secretary,
Ayakar Bhavan, Hyderabad and
another. Respondents.

Sri M.Surender Rao, Counsel for the Applicant.

Sri Madan Mohan Rao, Additional Standing Counsel
for Central Government.

CORAM:

Hon'ble Sri B.N.Jayasimha, Vice.Chairman.

Hon'ble Sri J.Narasimhamurty, Member(Judicial).

(Order of the Bench made by Hon'ble Sri B.N.
Jayasimha, Vice-Chairman.)

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The applicant states that the respondents have issued an Orders Ref.Nos./Estt./87-88 dated 3-4-1989 and Ref.No. /Estt./89-90 dated 30-6-1989 directing the deduction of the amount at Rs.200/- p.m. from March, 1989 onwards. The applicant states that he filed M.A.No.361/89 in the main O.A., questioning the said orders and this Tribunal had directed interim stay of the said orders on 28--6--1989. In pursuance to that the respondents have stopped deducting the said amount. He states that the same M.A.No.361/89 was again listed

for

on 28.8.89 and by the time his Advocate could come and represent

To

1. The Secretary, Andhra Pradesh Income Tax Department Employees Co-op Society Ltd, Ayakar Bhawan, Hyderabad.
2. The Chief Commissioner of Income Tax (Administration), Income Tax Department Co-Op Society Ltd., Ayakar Bhawan, B^Asheerbagh, Hyderabad.
3. One copy to Mr. M. Surender Rao, Advocate, Plot No. 5, Bagh Amberpet, Hyderabad.
4. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyderabad.
5. One spare copy.

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8/11/87

Slip Case
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7/11
8/11

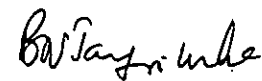
(46)

an order was passed stating that no further directions are necessary and the petition was dismissed. The applicant states that consequent to the earlier direction dated 28-6-1989 the respondents have stopped deduction of the amount. But after dismissal of the M.A., on 28-8-1989 the respondents are seeking to recover an amount of Rs.200/- p.m. Therefore, the applicant seeks a clarification in this regard.

We have heard Sri Surender Rao, learned counsel for the applicant and Sri Madanamohana Rao, learned Additional Standing counsel for the respondents.

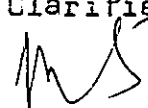
In the main application, the applicant has challenged the action taken against him by the Disciplinary Authority by its order dated 30-5-1987 and the proceedings issued by the Appellate Authority dated 30-10-1987. In the Memo dated 30-6-1987 it is stated that certain recoveries are being made at the instance of the Secretary that in response to the notice issued by the Secretary, Income-tax Department, the Charged Official had stated that he cannot pay the same in one instalment that he would pay the amount as early as possible. It would appear that there are no separate proceedings against the applicant.

It is, therefore, clarified that if the recovery of Rs.200/- per mensem is being made in pursuance of the orders of the Chief Commissioner of Income Tax connected with the disciplinary proceedings against the applicant, the recovery of Rs.200/- p.m., shall be stayed pending disposal of the main O.A. If the recovery of the said sum of Rs.200/- p.m., is in pursuance of any proceedings of the Secretary of I.T. Department Co-operative Canteen, the stay will not be operative as that matter do not relate to the subject matter of the case in O.A.784/87. Clarified accordingly.


(B.N. JAYASIMHA)
Vice-Chairman.
2-11-1989.

SSS.


DEPUTY REGISTRAR(J).


(J. NARASIMHAMURTHY)
Member (Judicial)
2-11-1989