

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
BENCH AT : HYDERABAD

O.A. No.13/89

Date of order: 1-1-1991.

BETWEEN

V. Viswanatha Murthy

.. Applicant

Vs.

1. The Commissioner of Income Tax,
A.P.I., Bashirbagh, Hyderabad.

2. The Chief Commissioner of
Incometax, A.P., Bashirbagh,
Hyderabad.

.. Respondents.

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APPEARANCE

For the applicant : Shri D. Mohan Rao, Advocate

For the respondents : Shri Naram Bhaskara Rao, Addl.
Central Govt., Standing Counsel

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CORAM

THE HON'BLE SHRI J. NARASIMHA MURTHY, MEMBER (JUDICIAL)

THE HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

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(Judgement of the bench delivered by Shri R.Balasubramanian)
Hon'ble Member (A)

This application has been filed by Shri V. Viswanatha Murthy, under Section 19 of the Admn. Tribunals Act, 1985 against the Commissioner of Incometax, Hyderabad and the Chief Commissioner of Incometax, Hyderabad. The applicant who was working as an Incometax officer in Gr. 'B' was prematurely retired from service with immediate effect vide the order Con.No.200/88 dt.28.3.1988 issued by the Commissioner, Incometax A.P.I. This was done on the ground of public interest and the applicant having completed 30 years of service on 4.2.1987. The applicant contends that he had served the Department honestly and effectively for over 30 years and has acquired many qualifications in the course of this long service. He alleges that somewhere in the course of his service he had antagonised some powerful popular elements which led to a C.B.I raid on his house, which however led to nothing incriminating. He has prayed that the premature retirement order be set aside.

2. The application is opposed by the respondents. It is stated that they had retired the applicant on completion of 30 years of service in exercise of powers vested in them by rule 48 of CCS Pension Rules and that this had been done in the public interest. It is also stated that the C.B.I., did not give him a good chit but ^{that} they recommended the Department to take suitable action.

3. The applicant has also filed a reply affidavit in which he points out that he had crossed E.B. from 1.4.1984 by an order dt.24.8.84 of the Commissioner of Incometax. He had also questioned the propriety of the respondents in having conducted a review of his service only in March, '88 as ^{while} ~~against~~ such a review of his service should ^{have been} be conducted well before he was due to complete 30 years of service. He had also questioned the amount paid to him in lieu of the

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3 months' notice on the ground that an increment which was due to him from 1.4.1988 had not been taken into account. He had also pointed out that though the C.B.I., found nothing incriminating after the raid and though they recommended ^{to} the Department to take action, the fact that the Department did not initiate any action against him would only show that there was no substance in the charge of his possessing disproportionate assets.

4. We have examined the case and heard the counsel for the applicant Shri D. Mohana Rao, and Shri Naram Bhaskara Rao, Standing Counsel for the respondents. Rule 48 of CCS Pension Rules empowers the Government to prematurely retire a Govt. servant in the public interest on completion of 30 years of service. Since this is challenged by the applicant the question before us is whether the Department has correctly come to the conclusion in the public interest. For this purpose we called for the record and had examined it.

5. We find that the Screening Committee which met on 7.3.88 came to the view that the applicant was of doubtful integrity and was also ~~of~~ ineffective. Hence they recommended his immediate retirement in public interest. This was agreed to ^{by the Review Committee} and with the concurrence of the competent authority a decision was taken to prematurely retire him from service.

6. Since the Screening Committee came to the view that he was of doubtful integrity and was ineffective we went into the Confidential records of the officer. ~~that~~ It is to be noted that he was allowed to cross the E.B. w.e.f., 1.4.84 by an order as ^{recently} ~~late~~ as dt. 24.8.84. We ~~had~~ however considered his Confidential Reports from

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~~CONFIDENTIAL~~

RVS
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CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.
AND

THE HON'BLE MR. D. SURYA RAO : M(J)
AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)
AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE: 24-11-1990

~~ORDER~~ / JUDGEMENT:

M.A. / R.A. / C.A. / NO.

in

T.A. No.

W.P. No.

O.A. No. 13) 89

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

