

15

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

RP 86/91 in  
O.A. No. 289/90  
~~T.A. No.~~

Date of Decision :

M. Saraswathi Prasad,

Petitioner:

Sri Duba Mohan Rao,

Advocate for the  
petitioner (s)

Versus

The Inspecting Asst. Commissioner of Incometax,  
Vijayawada Range, Vijayawada, & 2 others Respondent.

Sri N.V. Ramana,

Advocate for the  
Respondent (s)

CORAM :

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

THE HON'BLE MR. T. CHANDRASEKHAR REDDY : MEMBER (J)

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

(HRBS)  
M(A)

(HTCR)  
M(J)

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

RP 86/91  
in  
OA 289/90.

Dt. of Order: 28.4.92.

M.Saraswathi Prasad

...Applicant/Applicant

Vs.

1. The Inspecting Asst.Commissioner of  
Incometax, Vijayawada Range, Vijayawada.
2. The Commissioner of Incometax,  
Visakhapatnam.
3. The Chairman, Central Board of Direct  
taxes, New Delhi.

...Respondents/Respondents

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Counsel for the Applicant : Sri Duba Mohan Rao

Counsel for the Respondents : Sri N.V.Ramana, Addl Case-

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CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI T.C.REDDY : MEMBER (J)

(Order of the Division Bench passed by Hon'ble  
Sri R.Balasubramanian, Member (A) ).

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This Review Petition is filed by Mr.Saraswathi Prasad  
against the Inspecting Asst.Commissioner of Income Tax,  
Vijayawada Range, Vijayawada, seeking a review of the  
Judgment dt.17-9-91 in O.A.289/90. We set aside the

...2.

Copy to:-

1. The Inspecting Asst. Commissioner of Incometax, Vijayawada Range, Vijayawada.
2. The Commissioner of Incometax, Visakhapatnam.
3. The Chairman, Central Board of Direct taxes, New Delhi.
4. One copy to Sri. D.Mohan Rao, advocate, CAT, Hyd-bad.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One spare copy.

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order of termination of the applicant under Rule 5 of the CCS(CCA) Temporary Service Rule-65 and further directed the Respondents to pay all consequential benefits flowing therefrom. As regards the treatment of the period of suspension, the Bench had directed the Respondents to pass suitable orders in accordance with the rules in the light of the exoneration of the applicant by the Court. It is the case of the review applicant now that as per the provisions of F.R. 54 A(3) he is entitled <sup>to</sup> ~~for~~ full pay and allowances and wants that the Tribunal should pass an order to that effect now. It is to be stated here that by a ~~conscious~~ decision the Tribunal had left it to the Department to pass suitable orders. Therefore it ~~did not~~ open to the applicant to seek a review <sup>of</sup> <sub>of</sub> this specific decision of the Bench by way of reconsideration of the case. There being no error apparent, as such the Review Petition is dismissed with no order as to costs. Be it made clear that the direction given in the O.A. still stands in so far as it relates to Respondents taking a decision in accordance with rules about treating the period of suspension. Accordingly the Review Petition is dismissed with no order as to costs.

*R. Balasubramanian*  
(R. BALASUBRAMANIAN)  
MEMBER (A)

*T. Chandra Sekhara*  
(T.C. REDDY)  
MEMBER (J)

Dated: 28<sup>th</sup> April, 1992.

*L*  
By *Registrar (Jud.)*  
55/2

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