



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 466/94.

Dt. of Decision : 26-06-97.

B.R. Dayanand

.. Applicant.

Vs

North Block, "New Deen" represented
by its Chairman.

2. The Chief Commissioner of Income Tax,
A.P. Zone, Andhra Pradesh,
Ayakar Bhavan, Hyderabad.
3. The Commissioner of Income Tax,
Andhra Pradesh - II,
Ayakar Bhavan, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr. V. Venkateswara Rao

Counsel for the respondents : Mr. K. Bhaskara Rao, Addl. CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI A.M. SIVA DAS : MEMBER (JUDL.)

6. It is an admitted fact that the enquiry report was submitted on 29-4-91. The learned counsel for the respondents submit that it involved consultation with the CVC and hence the case was delayed. For this ~~px~~ he produced a letter dated 19-7-93 addressed to R-2 from Dy. Director of Income Tax (Vigilance) New Delhi. In this letter ~~he~~ ^{it is} stated that a copy of the CVC report is enclosed for necessary action. The learned counsel for the respondents submit that there is no delay ~~and~~ the procedure has to be followed and as it involves ~~in~~ consultation with the CVC the punishment order ~~xxx~~ was issued late. As the procedure has been fully followed the applicant cannot claim the relief as asked for in this OA.

7. Before we analyse ~~of~~ this case we would like to reproduce the Govt. of India instruction No. 11 under Rule 15 of the CCS (CCA) Rule. This instruction reads as below:-

"TIME-LIMIT FOR PASSING FINAL ORDERS ON THE INQUIRY REPORT.- The feasibility of prescribing a time-limit within which the disciplinary authority should pass the orders on the report of the Inquiry Officer, and requiring that authority to submit a report to the next higher authority in cases where the time-limit cannot be adhered to, explaining the reasons therefore, was examined. It is felt that while ~~both in the public interest as well as in the interest of~~ employees no avoidable delay should occur in the disposal of disciplinary cases, it is necessary that sufficient time is available to the disciplinary authority to apply its mind to all relevant facts which are brought out in the inquiry before forming an opinion about the imposition of a penalty, if any, on the Government servant. While, therefore, it has to be ensured that fixing of any time-limit on the disposal of the inquiry report by the disciplinary authority by making a provision in this regard in the CCS (CCA) Rules should not lead to any perfunctory disposal of such cases, taking all relevant factors into consideration it is felt that in cases which do not require consultation with the Central Vigilance Commission or the Union Public Service Commission, it should normally be possible for the disciplinary authority to take a final decision on the inquiry report within a period of three months at the most. In cases where the disciplinary



The above instructions of the Govt. of India was issued in pursuance of the directions of the Apex Court in ^{K.V.} Jangkiraman's case, reported in AIR 1991 SC 2010. The applicant was promoted later as Assistant Commissioner of Income Tax on the basis of the next DPC held after the issue of the punishment order.

3. This OA is filed to implement the recommendation of the DPC held on 24-6-93 in so far it concerned the applicant.

4. The learned counsel for the applicant strenuously argued that the case of the applicant was dealt ^{with} in a very casual manner. The enquiry report was submitted on 29-4-91 and the punishment order censuring him was issued on 24-9-93. There was a gap of more than 2 and half years after the enquiry report was submitted ~~in dealing the~~ ~~submitted and time~~ punishment order was issued. The time taken is abnormally high as the respondents are prejudiced against the applicant. The case was delayed to ensure that he does not get the promotion as Asst. Commissioner of Income Tax in time. The applicant alleges some motives in dealing his case belatedly. He further submits that the case could have been disposed of without any difficulty immediately after the enquiry report was submitted and if that had been done his name would have been ~~dealt with~~ ~~considered~~ by the DPC held on 24-6-93 and on that basis he would have been promoted as Assistant Commissioner of Income Tax.

5. In that connection the applicant relies on the Govt. of India instruction No.11 under Rule 15 of the ECS (CCA) Rule. In that instruction the applicant submits that the respondents have not complied with in regard to the disposal of the case as no permission was granted to prolong the disposal of the enquiry report and there is no reason in delaying the case without proper ~~reasons~~ reasons.

Central Board of Direct Taxes after analysing the various contentions issued in this OA, after ~~not~~ checking the records for ascertaining the delay and also ~~not~~ keeping in mind the observations as made by us as above.

..... if so advised may submit a representation within 60 days from to-day addressed to the Chairman, Central Board of Direct Taxes, taking all the contentions available to him including the contentions raised in this OA and send the same to the Chairman through proper channel. If such a representation is received by the Chairman, Central Board of Direct Taxes, he should dispose it of within four months from the date of receipt of a copy of that representation.

9. The OA is ordered accordingly. No costs.

प्राप्ति प्रति
CERTIFIED TO BE TRUE COPY

S. Venkateswaran
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रकासितक अधिकारी
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

केस नं.	0 A 466/94
CASE NUMBER	0 A 466/94
निर्णय का तिथि	26/6/93
Date of Judgement	26/6/93
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अनुभास अधिकारी (न्यायालय)	
Section Officer	