

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1546/97

Date of Order : 19.11.97

BETWEEN :

R.Damodaran

.. Applicant.

AND

1. Commissioner of Income Tax,
A.P.-I, Hyderabad.

2. Chief Commissioner of Income Tax,
A.P. Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.C.Nageswara Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.C.Nageswara Rao, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. *Placed* The applicant in this OA was ~~put~~ under suspension by the impugned order No. Con.1017/96/CIT/A.P.-I, dated 13.2.96 (A-1) as a criminal case is under investigation. It is also stated that the applicant was under police custody exceeding 48 hours. The applicant submits that he should have been produced before the appropriate Court within 24 hours if he is put under police custody, but that was not done and hence he submits that the custody beyond that stipulated period is illegal.

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3. This OA is filed for a declaration that the action of the respondents in placing the applicant under suspension by invoking Rule 10 Sub-rule 2 of CCS (CCA) Rules 1965 by impugned proceedings dated 13.2.97 is illegal, arbitrary and unconstitutional and prays for setting aside the proceedings dated 13.2.96.

4. When we enquired from the learned counsel for the ~~order~~ applicant whether this ~~order~~ is an appealable one or not, the learned counsel for the applicant submitted that it is an appealable order and that he had submitted an appeal to R-2 on 21.3.96 which he has enclosed at page-22 Annexure-3 to the OA. He further submits that the said appeal has not yet been disposed though long time had passed after the submission of the appeal.

5. In view of the above submission we are of the opinion that the appellate authority, namely R-2, should dispose of the appeal expeditiously in any case within 2 months from the date of receipt of a copy of this order taking due note of the contentions raised in this OA.

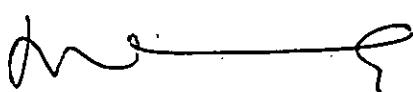
6. With the above direction, the OA is disposed of at the admission stage itself. No costs.

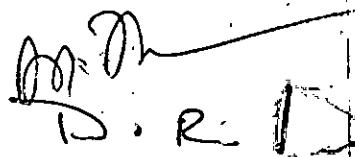

(B.S. JAI PARAMESHWAR)
Member (Judl.)

19.11.97

Dated : 19th November, 1997

(Dictated in Open Court)


(R.RAGARAJAN)
Member (Admn.)


D. R.

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(29)

DA.1546/97

Copy to:-

1. The Commissioner of Income Tax, A.P.-I, Hyderabad.
2. The Chief Commissioner of Income Tax, A.P., Hyderabad.
3. One copy to Mr. C. Nageswara Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate.

srr

19/11/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

Dated: 19/11/97

ORDER/JUDGMENT

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

in
D.A. NO. 1546/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

