

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO.

169

OF 1998

Applicant(s) Shri Dipa Jyoti Paul

-Vs-

Respondent(s) Union of India & Ors

Advocate for Applicant(s) Mr. J. L. Sarkar
Mr. M. Chandra
Mrs. S. DekaAdvocate for Respondent(s) Mr. A. K. Choudhury,
Addl. C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Deposited vide 030150 4-6-98</p> <p>① Requisite not yet filed by the applicant.</p> <p>by 3/8 Registrar</p> <p>② Requisite 3 copies have been filed.</p> <p>4-6-98</p>	<p>11-8-98</p> <p>lm</p> <p>228</p> <p>12/8</p>	<p>Heard Mr. J. L. Sarkar learned counsel appearing on behalf of the applicant and Mr. A. K. Choudhury, learned Addl. C.G.S.C. for the respondents.</p> <p>Issue notice to show cause why the application should not be admitted. Notice is returnable by 2 weeks.</p> <p>List it on 26-8-98 for Admission.</p> <p>Mr. A. K. Choudhury, learned Addl. C.G.S.C. receives notices for the respondents. Office shall supply the copy of the application to Mr. Choudhury during the course of the day.</p> <p>List it on 26-8-98 for Admission.</p> <p>Member</p> <p>Vice-Chairman</p>

Notes of the Registry

Date

Order of the Tribunal

26-8-98

This application has been filed by the applicant challenging the penalty imposed on the applicant. The facts are :-

The applicant was an Income Tax Officer. At the relevant time he was posted as Income Tax Officer, Ward, Silchar, under the Commissioner of Income Tax, Shillong. A Disciplinary proceedings was initiated against the applicant on 27-7-93. On completion of the proceedings the applicant was not found guilty.

According to the Enquiry Officer the charge could not be substantiated. In spite of that disciplinary authority imposed penalty of "censure".

Being aggrieved the applicant preferred an appeal dated 31-3-97. Till now the said appeal has not been disposed of. Hence the applicant approach this Tribunal.

We have heard Mr. J. L. Sarkar, learned counsel appearing on behalf of the applicant and Mr. A. K. Choudhury, learned Addl. C. G. S. C. On the date of Admission we requested to Mr. A. K. Choudhury to receive instructions. But to-day he submits that he has not received any instruction.

Mr. Sarkar submits that it was unreasonable on the part of the disciplinary authority to impose the penalty when the enquiry officer found him not guilty. We have also heard Mr. A. K. Choudhury. On hearing counsel for the parties we feel it expedient that a statutory appeal already filed should be disposed of. Accordingly, we dispose of the present application with a direction to the respondents to dispose of the appeal. It shall be done as early as possible at any rate within a period of two months from the receipt of this order. Application is disposed of. No order as to costs.

Member

Vice-Chairman

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