

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 548 of 2005

Jabalpur, this the 6th day of December, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Dr. G.S. Toriwal, S/o. K.R. Toriwal,
Aged about 53 years, Store Keeper,
IGMRI, Field Station, Adhartal,
Jabalpur.

.... Applicant

(By Advocate – Shri A. Hingwasia)

V e r s u s

1. Union of India, through Secretary,
Ministry of Consumer Affairs, Food and
Public Distribution, Krishi Bhavan,
New Delhi - 01.
2. IGMRI, Hapur – 245101, through Director,
Shri Juggilal.
3. Dr. P.C. Bansode, The then Officer
Incharge, 1129, Jai Prakash Nagar,
Jabalpur.
4. Dr. K.K. Arora, Administrative Officer,
Ministry of Consumer Cases, Food and
Public Distribution, Department of Food
and Public Distribution, IGMRI, Post
Box No. 10, Hapur – 245101.
5. Deepak Yadav, LDC, Regional Stationary
Depot, Netaji Nagar, New Delhi
110025.

.... Respondents

(By Advocate – Shri P. Shankaran)

O R D E R (Oral)

By filing this Original Application the applicant has claimed the
following main reliefs :



"i. issue an appropriate writ setting aside impugned orders Annexure-A/4, A/5 and A/7,

ii. issue an appropriate order directing the respondents to conduct an enquiry into a matter so as to establish the guilt and to fix the liability on the person responsible therefore."

2. The brief facts of the case are that the professional tax for the period from October, 2002 to March, 2003 was collected by the employees/officers of the office of the respondent No. 5 for being handed over to the applicant. The respondent No. 5 for the reason best known to him failed/neglected to hand over the said amount to the applicant and consequently the amount towards the professional tax remained un-deposited in the treasury. The applicant was given a memo dated 29.10.2001 (Annexure A-1) in which it was alleged that professional tax of the employees of the office for the aforesaid period amounting to Rs. 12,844/-, which was collected by the respondent No. 5 has been handed over to the applicant but the same remained un-deposited till the said date. The applicant submitted his reply Annexure A-2 stating that he has not received the said amount from the respondent No. 5. Without conducting any enquiry into the matter and without giving any show cause notice and also without giving any opportunity of hearing to the applicant, the respondents have passed the impugned order dated 1.12.2003 (Annexure A-4) and by another letter dated 12.12.2003 the respondent No. 4 again directed the applicant to deposit the said amount and sent the receipt thereafter. No action was taken by the respondents on the representation of the applicant. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the respondents that the applicant has not submitted his representation properly. He has submitted the representation on 29.10.2003 (Annexure A-2) by name to Dr. R.K. Agrawal and also similar representation Annexure A-6 was further submitted by name to



some other person. The matter is to be investigated by the respondent No. 2.

5. The learned counsel for the applicant argued that the impugned orders are passed by the respondents without affording any opportunity of hearing and also no show cause notice was issued to him before passing the impugned orders.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, I am of the opinion that that ends of justice would be met if I direct the applicant to submit a fresh representation to the respondent No. 2 i.e. Director, IGMRI, Hapur, not by name, within a period of one month from the date of receipt of a copy of this order. I do so accordingly. If the applicant complies with so, the respondent No. 2 is directed to consider and decide the representation of the applicant by passing a speaking, detailed and reasoned order within a period of two months from the date of receipt of such representation from the applicant.

7. In view of the aforesaid the Original Application stands disposed of with no order as to costs.

(Madan Mohan)
Judicial Member

"SA"

पूरांकन सं ओ/व्या.....जयलपुर, दि.....
प्रतिनिधि.....
(1) सचिव, उप-निदेशक, जयलपुर
(2) जयलपुर, जयलपुर, जयलपुर
(3) प्रमुख, जयलपुर, जयलपुर
(4) वरिष्ठ, जयलपुर, जयलपुर
सचिव, जयलपुर, जयलपुर
उप-निदेशक

A. Himwala
P. Shankar

Filed
8-12-05