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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

07.05.2012

OA No. 284/2012

Mr. S.K. Jain, Counsel for applicant.

Heard. The OA is disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

K.S. Rathore

(Justice K.S.Rathore)
Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 284/2012

DATE OF ORDER: 07.05.2012

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Shri K.G. Heda S/o Shri Kanhaiya Lal, by caste Heda, aged 68 years, R/o Shyam Gali, Hathi Bhata, Ajmer, retired Income Tax Officer, Ajmer.

...Applicant
Mr. S.K. Jain, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Revenue, Government of India, New Delhi.
2. Commissioner of Income Tax, Ajmer.
3. S.S. Gahlot, Additional Commissioner of Income Tax, Range-I, Ajmer (Enquiry Officer).

...Respondents

ORDER (ORAL)

By way of filing the present Original Application, the applicant has claimed for the following reliefs: -

- "(I) That by way of appropriate order or direction, the impugned charge sheet Ann. A-1 dated 27.3.2002 be quashed and set aside and declared to be illegal.
- (II) That by an appropriate order or direction, the impugned enquiry report be quashed and set aside being contrary to the rules.
- (III) That by an appropriate order or direction, the respondents be ordered to make the payments of the retiral benefits as if no such enquiry has commenced against the applicant and make the payment of interest at the rate of 18% p.a. on the arrears till the date of payment.
- (IV) Any other relief this Hon'ble Tribunal deems fit may also be granted to the applicant."

2. Admittedly, the memorandum of charge-sheet has been issued way back on 27.03.2002 (Annex. A/1), and from bare



perusal of the documents available on record, it reveals that pursuant to the memorandum of charge-sheet, enquiry has also been conducted by the Inquiry Officer, and the enquiry report dated 08.03.2004 has been submitted by the Inquiry Officer / Additional Commissioner of Income Tax, Range-1, Ajmer, which is annexed along with OA as Annexure A/19 letter dated 30.09.2004, and the Disciplinary Authority, having considered the enquiry report, has issued show cause notice/letter dated 30.09.2004 (Annex. A/19) to submit his explanation/reply within 15 days from receipt of this letter as to why major penalty under Rule 11 of CCS (Pension) Rules, 1972 should not be imposed upon the applicant.

3. This show cause notice has been received by the applicant on 01.10.2004, which reveals from the endorsement made by the applicant. The applicant has also represented before the Chief Commissioner of Income Tax, Jaipur / Udaipur vide Annexure A/3 representation dated 23.04.2002, and further the applicant represented before the Commissioner of Income Tax, Ajmer vide representation dated 07.05.2002 by which he has made request for allowing physical inspection of relevant record. The applicant has also filed representation dated 14.10.2004 to the Commissioner of Income Tax (Disciplinary Authority), Ajmer in response to the letter dated 30.09.2004, which reveals from Annexure A/16 representation dated 17.03.2005 submitted by the applicant, but the applicant has not placed further proceedings on record.



4. Be that as it may, without entering into the merits of this case, since the applicant has filed detailed representation dated 14.10.2004 before the Disciplinary Authority, it is for the Disciplinary Authority to consider the same and pass an order in accordance with the provision of law; if any order on the said representation has not been passed so far. It is expected from the respondents to decide the said representation of the applicant expeditiously; and in case any order has been passed by the Disciplinary Authority on the representation dated 14.10.2004, the applicant is always at liberty to redress his grievance before the appropriate forum.

5. With these observations, the Original Application stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

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