

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI...5

✓ ORIGINAL APPLICATION NO. 175794

MISC PETITION NO. (IN O.A.)

REVIEW APPLI. NO. (IN O.A.)

CONT. PETITION NO. (IN O.A.)

Shri R. Karanakar.....APPLICANT(S)

Vrs.

UOI & others.....RESPONDENT(S)

Mr. G. K. Bhattacharyya.....ADVOCATE T(S)

Mr. G. N. Das.....FOR APPL.

Mr. A. K. Choudhury.....ADVOCATE(S)
Addl. C.G.S.C. FOR RESPDTS.

OFFICE NOTE

DATE

COURT'S ORDER

7.9.94

Mr G.K.Bhattacharyya for applicant and
Mr A.K.Choudhury for respondents.

Heard Mr G.K.Bhattacharyya for the
applicant. Perused the application. Application
is admitted. Issue notices to the respondents.
Mr A.K.Choudhury, Addl.C.G.S.C appears for
the respondents. He however, desires that
notices may be directly served upon the
respondents. Six weeks to file written state-
ment.

Against the impugned order passed by
the Commissioner of Income Tax, North Eastern
Region, Shillong(Disciplinary Authority) the
applicant has submitted an appeal to the
President of India under Rule 26(2) of the
CCS(CCA) Rules 1965 which has not so far been
disposed of. Although for the purposes of
limitation to approach this Tribunal the
appeal may be deemed to have been disposed
of that does not mean that the appellate
authority cannot proceed with the appeal and
decide on merits. It will be helpful to
decide the present application if the decision
of the appeal is before us as the appellate
authority can reappreciate the evidence ^{and decide} on
merits. The pendency of this application may

This application is in
form and within time.

C. F. of Rs. 50/-

deposited vide

IPO/BD No. 520603

Dated 5.9.94

By Registrar (S)

contd...

7.9.94

come in the way of ^{on of} the proceeding with the appeal by the appellate authority the matter being sub-judice. We therefore make it clear that notwithstanding the pendency of this application the appellate authority shall proceed to dispose of the appeal on merits preferably within a period of three months from the date of receipt of this order. ~~We order that as~~ ^{A copy of the order} ~~and when the said order is passed on the~~ appeal together with the reasons, if any, are recorded by the authority shall be made available to this Tribunal through the Addl.C.G.S.C.

Application adjourned to 19.12.1994.

Copy of this order be furnished to the counsel of the parties.

Requisites are received
as issued vide no. 3938-40
d. 12.7.94

pg

for
9/9

Copy of the order d. 7-9-94 sent to
Counsel vide no. 3935-40 19.12.94
d. 12.9.93

for
9/9

Six weeks for written statement
at the request of Mr A.K. Choudhury.
Adjourned to 17.2.1995 for
orders.

Notice duly served
on Res. no. 2.2

for
25/11

pg

for
20/12

hull
Vice-Chairman
for
Member

hull
Vice-Chairman
for
Member

17-2-95

Mr.G.N.Das for the applicant. Mr.A.K. Choudhury Addl.C.G.S.C. for the respondents. Mr.Choudhury produces a telegram from the respondents dated 5-1-95 which shows that the appeal preferred by the applicant to the President of India is still pending. It has been referred to UPSC for advice. Adjournment is therefore sought till the disposal of appeal. Presently we adjourned the matter to 24-4-95 with ^{the} hope ^{that} by that time the result of the appeal ^{will} be known.

hull
Vice-Chairman

bo
Member

lm

Per. 17/2/95




24-4-95

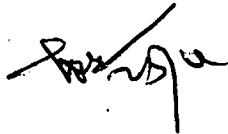
Mr. G.K. Bhattacharjee for the applicant. Mr. A.K. Choudhury Addl. C.G.S.C. for the respondents. The respondents informed that the appeal submitted by the applicant ~~as it~~ is under consideration of UPSC and some more time is required to know the result.

Adjourned to 19-6-95. for further orders.


Vice-Chairman


Member

lm





2.5.95

21-6-95

Written statement on behalf of the Respondents No. 1, 2 and 3 has been filed.


None for the applicant. Mr. A.K. Choudhury Addl. C.G.S.C. for the respondents. Counter has been filed. The decision on appeal is still ^{to be} on received. Even otherwise being matter of 1994, it has to await. Adjourned 14-8-95 for further orders.


Vice-Chairman


Member

lm

2.5.95
Memo has been filed by Mr. A.K. Choudhury.



5

O.A. 175/94

14.8.95

Mr G.N.Das for the applicant.

Mr A.K.Choudhury, Addl.C.G.S.C for the respondents.

Mr Choudhury informs on instructions that the appeal is under ~~serious~~ consideration and there has been some back reference calling for certain particulars and therefore the respondents want time of 6 months to decide the appeal. We expect that the appeal will be decided within a period of 3 months. For the present Adjourned to 6.11.95. Mr Choudhury to convey this order to the respondents.

Copy to be furnished to Mr Choudhury.

Order of 14.8.95
v. No 3780 of 24.8.95

Member

Vice-Chairman

pg

6-11-95

Mr.G.N.Das for the applicant.

Mr.A.K.Choudhury, Addl.C.G..S.C. for the respondents.

Mr.Choudhury submits that some more time may be necessary for disposal of the appeal. On 14-8-95 a period of six months was indicated during which the appeal was likely to be decided. We have expected it to be decided within three months but it has not been decided. The O.A. is adjourned for further period of 3 months.

Adjourned to 15-2-96 for further orders.

Copy of the order be furnished to the counsel for of the parties.

Order of 6-11-95
v. No. 4915 of 16-11-95

Member

Vice-Chairman

lm

Order of 14/2
H/Statement - has been filed
6/41

OFFICE NOTE

DATE

ORDER

19.9.96

Learned counsel Mr G.N. Das for the applicant. Mr A.K. Choudhury, learned Addl. C.G.S.C for the respondents. Mr Choudhury has submitted a copy of the appellate order dated 28.6.1996 by which the penalty imposed has been confirmed. Mr Das has submitted that he has submitted a Misc. Petition seeking for incorporation of the appellate order and additional grounds in the O.A. In the M.P. No.139/96 Mr Das has been allowed short adjournment. Therefore, this O.A. is to be listed along with the M.P. on 29.9.96.

Member

nkm

20/9

26.9.96.

Learned counsel Mr. G.K.Bhattacharyya for the applicant submits that in view of the fact that the appeal has now been disposed of he may be allowed to withdraw the application with liberty to the applicant to file a fresh application without prejudice to the contentions that have been raised in this application. Prayer is allowed. The O.A. is disposed of on withdrawal. The applicant may file fresh application accordingly.

Member

26/9/96

trd

27/9

30.9.96

Copy of the order issued to the parties vide D.No. 3301 to 3306 d. 1.10.96

30/9

To be listed along with O.A. on 20/9/96.

1) 29-9-96 is Sunday.
2) Notice duly served on O.P. No. 2
3) No statement has been filed
25/9

OFFICE NOTE

DATE

ORDER

15.2.96

Mr G.N. Das for the applicant.

Mr A.K. Choudhury, Addl. C.G.S.C. for the respondents.

Notwithstanding that we had desired that appeal should be disposed of expeditiously and had indicated a period of 3 months on 7.9.1994, today an application is again made by Mr A.K. Choudhury on behalf of the respondents on the strength of the letter of the Assistant Commissioner of Income Tax (Vig), Shillong, dated 13.2.1996 with the letter of the Government of India dated 7.2.1994 for extension of the period by six months. Mr G.N. Das with some amount of justification opposes the extension for so long and desires that the appeal be directed to be disposed of latest by 31.3.1996.

From the letters produced on behalf of the respondents it is seen that the case records have been referred to the UPSC for advice and the UPSC needs time to examine the case in detail. It has also been stated that in the meantime the case is being examined and put up on a priority basis for consideration for the Commission. Under the circumstances, though very reluctantly, we grant time as prayed with the hope that during the time the appeal should be decided. Accordingly time to finalise the appeal is hereby extended for a period of six months from today. This should be treated as final extension.

The O.A. is adjourned to 19.8.1996 for orders.

Copy of the order be furnished to both the counsel.

Vice-Chairman

Member

Order dt. 15.2.96

to counsel & parties
v no. 4/8-19 dt. 20.2.96.

10.9.96

Inquiry Reports submitted nkm

by Mr Addl. CG SC. dt

Pg. 'A'

W/ Shalinder Singh
B.W. 28/2/96