

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.)

Sri R. Karanakar.....APPLICANT(S)
Vrs.

U.D. No......RESPONDENT(S)

Mr. G.K. Bhattacharyee.....ADVOCATE(S)
FOR APPL.

Mr. G.N. Das.....

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

OFFICE NOTE	DATE	COURT'S ORDER
This application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BD No. <u>520603</u> Dated ... <u>Sr. 9. 94</u>	7.9.94	<p>Mr G.K.Bhattacharyee for applicant and Mr A.K.Choudhury for respondents.</p> <p>Heard Mr G.K.Bhattacharyee 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 statement.</p> <p>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 ^{merit}. The pendency of this application may</p>

contd...

7.9.94

come in the way 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
and issued vide no. 3938-40

2.12.1994

W.H.
Vice-Chairman

W.H.
Member

PG

W.H.
9/9

Copy of the order dt. 7-9-94
7-9-94 (and) & in
counsel vide no. 3925-26 19.12.94
22.12.94

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. 2.1

W.H.
Vice-Chairman

W.H.
Member

PG

NH
20/12

W.H.
25/11

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 hope, by that time the result of the appeal ^{will} to be known.

full
Vice-Chairman

60
Member

1m

Recd. 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.

JK
Vice-Chairman

JK
Member

1m

2.5.95

21-6-95

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} ~~not~~ received. Even otherwise being matter of 1994, it has to await. Adjourned 14-8-95 for further orders.

JK
Vice-Chairman

JK
Member

25.95

1m

Memo has filed. ~~to~~
by Mr. A.K. Choudhury.

JK

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 d. 14.8.95
V. No 378 O. d. 24.8.95

6/-
Member

Ver
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 d. 6-11-95 issued
v. no. 4915 d. 16.11.95

6/-
Member

Ver
Vice-Chairman

lm

6/41

8/11
W/ Statement - has been filed
5/12
14/12

OFFICE NOTE	DATE	ORDER
X	19.9.96	<p>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.</p> <p>To be listed along with O.A. on 29/9/96.</p>
		<p>nkm M/20/9</p>
1) 29-9-96 is Sunday. 2) Notice duly served on O.P. No. 2 by stamping with stamp on 25/9	26.9.96.	<p>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.</p>
30.9.96 Copy of the order issued to the parties vide O.P. No. 3301 to 3306 d. 1.10.96	trd M/27/9	<p>60 Member 26/9/96</p>
30/9		

OFFICE NOTE	DATE	ORDER
	15.2.96	<p>Mr G.N. Das for the applicant.</p> <p>Mr A.K. Choudhury, Addl. C.G.S.C. for the respondents.</p> <p>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.</p> <p>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 of 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.</p> <p>The O.A. is adjourned to 19.8.1996 for orders.</p> <p>Copy of the order be furnished to both the counsel.</p> <p><i>hse</i> Vice-Chairman</p> <p><i>6</i> Member</p>
<p><u>Order dtd. 15-2-96</u></p> <p><u>to cancel or partis</u> v no. 618-19 d. 20.2.96.</p> <p><u>10-9-96</u></p> <p>Inquiry Reports submitted by Mr Addl. C.G.S.C. at Pg. 'A'</p> <p><i>nkm</i></p> <p><i>W. Shambhulal</i></p> <p><i>8/8/96</i></p>		