

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-3992/2016

New Delhi, this the 02nd day of December, 2016.

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Mallikarjuna Rao Anumala, Age-44 years,
Deputy Commissioner of Income Tax (Hqrs.),
O/o the Chief Commissioner of Income Tax,
Delhi-08, New Delhi,
Room No-404, 4th Floor, Block-B, Civic Centre,
Minto Road, New Delhi-110002.

... Applicant

(through Sh. Vishnu Sharma with Ms. Sonali Negi and Ms. Goutami Buddhapriya)

Versus

1. Union of India
Represented through
Revenue Secretary,
Government of India,
North Block, New Delhi-110001.
 2. Chairperson/Chairman,
Central Board of Direct Taxes
North Block, New Delhi-110001.
 3. Director General of Income Tax(Vigilance),
Dayal Singh Library Building,
Din Dayal Upadhyay Marg,
ITO, New Delhi-110002. Respondents

ORDER(ORAL)

Hon'ble Mr. Justice Permod Kohli

Heard. Issue notice.

Learned counsel Sh. Hanu Bhaskar appears and accepts notice on behalf of the respondents.

2. The applicant is Deputy Commissioner of Income Tax (Headquarters) in the office of Chief Commissioner of Income Tax, New Delhi. He has been

convicted by Principal Special Judge (CBI), Hyderabad, for offence under Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988, vide order dated 02.09.2015 in CC. No. 8/2009. Based upon his conviction, the respondents issued memorandum dated 04.01.2016 for major penalty on account of his conviction asking him to file his representation/response within fifteen days from the date of receipt of memorandum. Admittedly, the applicant has not filed his response.

2. Learned counsel for the applicant submits that all along, he has been seeking information with regard to certain documents which according to him, are relevant to enable the applicant to file his effective response. He has already approached the authorities under RTI Act, 2005 for seeking information and, according to learned counsel for the applicant, his request having been declined by CPIO and appellate authority, his second appeal is pending before the higher authority under the RTI Act, 2005. The applicant has impugned the communication dated 21.09.2016 whereby he was granted another opportunity to file his response by 30.09.2016 failing which, the matter would be processed ex-parte as per the provisions of CCS(CCA) Rules, 1965.

3. In response to the aforesaid communication, he made request on 27.09.2016 reiterating his stand for supply of copies for which he has already approached the authorities under the RTI Act, 2005. He has, in the present OA challenged the aforesaid communication. We do not feel that it is a case where intervention of this Tribunal is required. However, at this stage, learned counsel for the applicant submits that at least, the applicant may be allowed one opportunity to file his response.

4. Taking a compassionate view, we allow the applicant to file his representation/response to the OM dated 04.01.2016 within two weeks from

today failing which, the authorities are at liberty to proceed in accordance with law. With these observations this OA stands disposed of.

Order **DASTI**.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/