

**Central Administrative Tribunal
Principal Bench**

OA No.1283/2018

New Delhi, this the 18th day of September, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Mrs. Swati S. Patil
Aged about 67 years
W/o Shri Shrikant
R/o G-1, Keviz Park
Nagala Park, Kolhapur
Maharashtra
(Retired from the post of
Commissioner of Income Tax) ...Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. Union of India through its Secretary
Department of Revenue
Ministry of Finance
North Block, New Delhi-110001.
2. Chairman, Central Board of Direct Taxes
Department of Revenue
M/o Finance, North Block
New Delhi-110001.
3. Director General of Income Tax(Vig)
1st Floor, Dayal Singh Library Building
1, Deen Dayal Upadhyay Marg
New Delhi-110002.
4. Inquiring Authority
(Pr. Commissioner of Income Tax) Central
C.R. Building, Queens Road
Bengalore-560001. ..Respondents

(By Advocate: Sh. Rajesh Katyal)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

This OA is filed with a prayer to set aside the order through which inquiry officer was appointed in the disciplinary proceedings against the applicant. The principal ground urged by the applicant is that the appointment of the inquiry officer was not approved by the disciplinary authority and on the other hand, the inquiry officer was appointed on the basis of delegation of powers.

2. During the pendency of the OA, the respondents issued order dated 05.09.2018 according ex-post-facto approval of the disciplinary authority to the appointment of the inquiry officer. With this, the difficulty pointed out by the applicant stands removed and thereby the appointment of the inquiry officer becomes legal.

3. We, therefore, dispose of the OA taking note of this development and holding that the appointment of

the inquiry officer does not suffer from any legal infirmity. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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