

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/450/2018

Date of Order: 02.04.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

Aloka Sahis

Vs.

Income Tax

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : None

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Mr. A. Chakraborty, learned counsel for applicant. None for respondents.

2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

“8(a) Speaking order dated 19.03.2018 issued by respondent no. 4 cannot be sustained in the eye of law and therefore the same may be quashed.

(b) The Office order no. F. No. 5E/56/Comp Appt (Genl)/2010-11/Pt-1/13897A dated 14.12.2017 and issued by ACII Head Quarters (Personnel & Establishment) Kolkata on behalf of PP (CIT, West Bengal and Sikkim cannot be sustained in the eye of law and same may be quashed.

(c) Office order no. F No. 5E/56/Comp. Appt. (Genl)/2010-11/Pt.

I/13897 dated 14.12.2017 issued by JCIT, HQRS (PERS & Esttb) Kolkata cannot be sustained in the eye of law and the same may be quashed.”

3. Mr. A. Chakraborty, Id. counsel for applicant submits that the applicant earlier approached before this Tribunal vide OA No. 350/57/2018 against the termination order dated 14.12.2017 where this Tribunal vide order dated 29.01.2018 disposed of the OA by permitting the applicant to make a comprehensive representation by ventilating her grievances within a period of 15 days from the date of passing the order. It is further ordered that if such representation is filed within 15 days, the Respondent No. 3 i.e. the Principal Chief Commissioner of Income Tax, West Bengal & Sikkim, Aaykar Bhawan, P-7 Chowringhee Square, Kolkata to consider and dispose of the same by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of such representation and communicate the decision to the applicant forthwith.

By the said order, this Tribunal further ordered that till the disposal of the representation, status quo as on date so far as continuance of the applicant is concerned, shall be maintained and also for a further period of one week from the date of communication of the result to the applicant.

4. In compliance with the order passed by this Tribunal on 29.01.2018, the

respondent authority i.e. the Respondent No. 3 had passed the detailed speaking order dated 19.03.2018 whereby rejecting the claim of the applicant which reads as follows:

“16. Moreover, the Government also has intention to render justice to her case as the CBDT’s above referred letter dated 03.10.2017 leaves rooms to reconsider her case for compassionate appointment as discussed in Para-9 above.

17. Her representation, therefore, is rejected.”

5. Mr. A. Chakraborty further submits that the applicant was appointed against the post of regular vacancy of MTS. She rendered her services for more than one year and 8 months. However, suddenly vide order dated 14.12.2017 the applicant was sought to be terminated from her services. According to Id. counsel for applicant, the said termination order was issued by the authority without giving any opportunity to the applicant so that this is violated the principle of natural justice. As such the impugned termination order is bad in law.

6. Issue notice to the respondents to file reply by 4 weeks.

7. Id. counsel for applicant by way of interim measure prays for a direction to the respondents to allow the applicant to perform duty as a trainee in the post of MTS till the disposal of the application.

8. I have heard the Id. counsel for applicant and perused the pleadings, more particularly, the speaking order dated 19.03.2018 which is impugned herein.

9. Hence, in the above circumstances, I direct the respondent authority to maintain the status quo of the service of the applicant so far as continuance as Trainee is concerned till the next date of listing.

10. List on

(Manjula Das)
Member (J)

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