

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00535/2018

DATED THIS THE 7TH DAY OF SEPTEMBER, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI DINESH SHARMA, MEMBER(A)

Shri Nagaraj V,
Aged about 47 years,
S/o late M. Venkataramana,
ITAT-2, Income Tax Department,
Bengaluru,
R/ at No.97, Kaveri Archads,
Horamavu, Bengaluru– 560 043. ...Applicant.

(By Advocate M/s Bajentri & Associates)

Vs.

1.The Principal Chief Commissioner
of Income Tax,
Karnataka and Goa Region,
Bangalore – 560 001.

2.The Commissioner of Income Tax,
(Admn. & TPS),
Karnataka and Goa Region,
Bangalore – 560 001.

3.The Deputy Commissioner of Income Tax,
(HQ) & (Admn),
Karnataka and Goa Region,
Bangalore – 560 001.

4. The Union of India
Represented by its Finance Secretary
Incharge of Central Board of
Direct Taxes,
Jeevan Deep Building,
Parliament Street,
New Delhi- 110 001. ...Respondents.

(By Shri Vishnu Bhat, Senior Panel Counsel)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Reply filed. Apparently because of the antecedence of the applicant, applicant cannot be posted in Assessment, says the respondents. They would also say that because of the specific nature of the infraction in which the applicant is allegedly involved, he cannot be brought back to Bangalore. We are in full agreement with him. But since the criminal case is hoisted on him, at the original instance of the respondents themselves, which is under Article 20(3), the right of the applicant cannot be jeopardized. He needs to have a fair trial. To ensure this, applicant should be somewhere near the periphery of Bangalore. Bangalore is where the Trial Court is located and the trial is pending. We are also in agreement that the applicant should never be brought back to Bangalore till the criminal case against him is settled.

2. We will remit back the matter to the respondents, so that the applicant can be accommodated in any place outside the radius of 50 Kms from Bangalore and within the radius of 70 Kms from Bangalore. If such a place can be found and non-assessment case at that, then the applicant to be posted at that place. This they shall do so within the next one month.

3. OA disposed off as above. No costs.

(DINESH SHARMA
MEMBER(A)

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(DR. K.B. SURESH
MEMBER(J)

Annexures referred to by the applicant in OA.No.535/2018

Annexure A-1: Copy of the order of suspension dated 10.9.2012.

Annexure A-2: Copy of the representation dated 19.7..2013.

Annexure A-3: Copy of order dated 18.06.2014 passed by this Hon'ble Tribunal in OA. No.387/2014.

Annexure A-4: Copy of the order dated 27.01.2015 passed by the 1st respondent.

Annexure A-5: Copy of the Deposition adduced by PW-1 on 06.03.2018.

Annexure A-6: Copy of the order dated 11.04.2018 passed by the 2nd respondent.

Annexure A-7: Copy of the representation dated 16.4.2018.

Annexure A-8: Copy of the order dated 19.4..2018.

Annexure A-9: Copy of the order dated 22.05.2018 passed by the 2nd respondent.

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