

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

O.A. No.1381/2018

Thursday, this the 4th day of April 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Sh. Bibhu Dutt Mishra (CIT Retd.)
Aged about 50 years
s/o Sh. Benudhar Mishra
r/o C-1/61, First Floor
Safdarjung Development Area
New Delhi – 110 016

..Applicant

(Applicant in person)

Versus

Union of India through

1. Secretary (Revenue)
Ministry of Finance,
Department of Revenue
North Block, New Delhi

2. Secretary (Personnel)
Department of Personnel & Training
Ministry of Personnel,
Public Grievances & Pensions
North Block,
New Delhi

3. Chairperson
Central Board of Direct Taxes
Ministry of Finance
Department of Revenue
North Block,
New Delhi

..Respondents

(Mr. Hanu Bhasker, Advocate)

O R D E R (ORAL)**Justice L. Narasimha Reddy:**

The applicant is an officer of 1994 batch of Indian Revenue Service. He intended to take voluntary retirement from service (VRS), and accordingly issued a notice dated 06.11.2015. Certain developments have taken place in relation thereto. It appears that he remained absent from duty from 10.02.2016 on the assumption that he stood retired on VRS. The respondents issued a charge memo dated 08.03.2018 requiring him to explain as to why action be not taken for his unauthorized absence. The same is challenged in the instant O.A.

2. We heard the applicant, who appeared in person and Mr. Hanu Bhasker, learned counsel for respondents.

3. The charge memo is virtually a sequel to the proceedings to notice for voluntary retirement from service. The applicant filed O.A. No.3025/2017 in relation thereto. Today itself, we partly allowed the said O.A. through separate order. Though several grounds are urged in challenge to the charge memo, we are not impressed by any of them.

4. The question as to whether the absence of the applicant was authorized or not, needs to be examined on the basis of the

explanation, which the applicant may offer, and the inquiry if any ordered by the disciplinary authority.

5. The O.A. is disposed of accordingly. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 4, 2019
/sunil/