

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A./100/120/2019
O.A./100/201/2019

New Delhi, this the 22nd day of July, 2019

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

Anuradha Mookerjee
D/o late Shri Sham Sunder Chaudhry
Principal Commissioner of Income Tax-2
Jalandhar, Pin Code-144001Applicant

(Through Shri Arvind Kumar and Ms.Devina Sharma,
Advocates)

Versus

Union of India Through –

1. The Secretary
Department of Revenue
Ministry of Finance,
North Block, New Delhi-110001
2. Chairperson
Central Board of Direct Taxes,
Ministry of Finance,
North Block, New Delhi-110001 ... Respondents

(Through Shri R.K. Sharma, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

This Review Application (RA) is filed with a prayer to review the order dated 22.04.2019 in OA 201/2019.

2. The applicant contends that the OA was filed challenging the memorandum of charge dated 14.08.2018 and notice was issued to the respondents on 17.01.2019. It is stated that MA 960/2019 was filed with a prayer to stay the operation of the impugned memorandum dated 14.08.2018 and while taking up that MA, the OA itself was disposed of with a direction to conclude the disciplinary proceedings within a stipulated time.

3. It is also stated that the respondents were yet to file their counter affidavit and the applicant wanted to canvass the legality or otherwise of the impugned charge memo. It is further stated that the disposal of the OA does not at all accord with the challenge made in the OA, particularly in the absence of any stand taken by the respondents.

4. We heard Shri Arvind Kumar, for the applicant and Shri R.K. Sharma, for the respondents.

5. The record discloses that notice was ordered in the OA on 17.01.2019. Thereafter the applicant filed MA 960/2019 with a prayer to stay further proceedings in the disciplinary inquiry. It appears that when the MA was being argued, a suggestion came that instead of keeping the OA pending, the disciplinary proceedings can be concluded. Had there been any insistence on behalf of the applicant that the OA be decided on merits, there would not have been any occasion to

pass such order. The applicant also states that she never instructed her counsel to get the OA disposed of in that manner.

6. The record also discloses that the respondents are yet to file counter affidavit in the OA. When the applicant insists that the OA be decided on merits, we feel that she is required to be given an opportunity. We, therefore, allow the RA and restore the OA to its original number.

7. The respondents are granted time to file counter in the OA. Post on 19.08.2019.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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