

CASE NO.:
Appeal (civil) 1527 of 2007

PETITIONER:
A.S. SASTRY

RESPONDENT:
CHIEF COMMNR. OF INCOME TAX & ORS

DATE OF JUDGMENT: 20/03/2007

BENCH:
Dr.AR.LAKSHMANAN & ALTAMAS KABIR

JUDGMENT:
J U D G M E N T

(Arising out of SLP(C) No.8558 of 2006)

Dr.AR.LAKSHMANAN, J.

Leave granted.

Heard Mr.T.L.V.Iyer, learned senior counsel for the appellant and
Gp.Capt.Karn Singh Bhatti, learned counsel for the respondents.

We have perused the order impugned in this appeal.

According to the appellant, he is retired from service on 30.11.2005. He is facing a departmental inquiry and the same is pending for a very long time without being finally disposed of. He has also challenged the charges framed against him and the said case is also pending before the Central Administrative Tribunal, Hyderabad. Before the High Court, he also made a prayer for expeditious disposal of the matter pending before the Central Administrative Tribunal. The High Court directed the Central Administrative Tribunal to consider the request made by the appellant and dispose of the matter at an early date. Thereafter, an application was filed before the Tribunal to expedite hearing which was disposed of on 20.03.2006 stating that there were large number of matters pending prior to the OA filed by the appellant and, at that stage, it was not inclined to grant early hearing in the matter and that the applicant may renew his request for early hearing after three months. This order was passed by the Tribunal on 20.03.2006. The reasoning given by the Tribunal for not taking up the matter at an early date is not acceptable to us. The appellant has already superannuated on 30.11.2005. We, therefore, direct the Central Administrative Tribunal, Hyderabad to take up OA No.788/2005 on priority basis and dispose of the same within two months from the date of receipt of a copy of this Order from this Court.

The High Court also while disposing of the Writ Petition directed the respondent herein to pay the pension during the pendency of inquiry. It is stated by the learned counsel for the appellant that the said direction has not been complied with. We, therefore, direct the respondent to immediately arrange to pay the entire arrears of pension after retirement and continue to pay the same.

Learned counsel for the appellant states that even though a request has already been made to travel abroad, i.e., to U.S.A. to see the members of his family but the same was not accepted during the pendency of the proceedings. If the matter is not disposed of within two months as directed by us now, the appellant may also make an application to the Tribunal seeking permission to travel abroad and if such an application is filed, the same shall be disposed of on merits and in accordance with law.

The appeal stands disposed of accordingly.
No costs.