IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.422 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 18155 of 2015

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Rajiv Sinha, son of Sri Rajendra Sinha, resident of 244, M.I.G. Hanuman Nagar, P.S Hanuman Nagar , Patna.

.... Respondent- Review Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance, Department of Revenue, Govt. of India, North Block, New Delhi.
2. The Secretary, Department of Revenue, Government of India, North Block, New Delhi.
3. The Director General of Income Tax (Vigilance), Government of India, Dayal Singh Public Library Building, Deen Dayal Upadhyay Marg, New Delhi.
4. The Under Secretary to the Government of India, Ministry of Finance, Department of Revenue, Government of India, North Block, New Delhi.
5. The Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue ,Govt. of India, North Block, New Delhi.
6. The Chairman, U.P.S.C. Dholpur House, New Delhi.
7. The Secretary, Central Vigilance Commission, Satarkata Bhawan, New Delhi.
8. The Chief Commissioner of Income tax, Central revenue Building, Birchand Patel Marg, Patna.

.... Petitioners-Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Chandra, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, A.S.G.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
And
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-10-2016

The petitioner has sought review of the order passed by this Court on 22nd August, 2016 on the ground that the charge-sheet served upon the petitioner was not approved by the Finance Minister in terms of the orders of the Supreme Court in a judgment reported as Union of India and others Versus B.V. Gopinath, (2014) 1 SCC 351, and that the said judgment has been referred to by the Court without being referred to by any of the counsel for the parties.

A perusal of the judgment in B.V. Gopinath's case (supra) shows that the member of Indian Revenue Service had invoked the jurisdiction of the Central Administrative Tribunal against the initiation of disciplinary proceedings relying upon the Circular dated 19th July, 2005. But in the present case, the charge-sheet was served upon the petitioner on 13th June, 2001. It is not the case of the petitioner that there was any *pari materia* Circular with the Circular dated 19th July, 2005 at that time.

Still further, in B.V. Gopinath's case (supra), an Original Application under Section 19 of the Administrative Tribunal Act, 1985 was filed against the initiation of the departmental proceedings. But present is the case, after the conclusion of the disciplinary proceedings, the final order of punishment has been approved by the Finance Minister. Since the final order has the approval of the Finance Minister, even if it is assumed that the charge sheet was not approved by the Finance Minister at an earlier stage, will not confer any cause to the petitioner to dispute the order of punishment as with the approval of the final order, the entire proceedings are deemed to be approved. Still further, what is the prejudice suffered by the petitioner has not been disclosed.

It may be stated that the petitioner has not raised such an argument before the Tribunal. Therefore, we find that initiation of enquiry proceedings cannot be permitted to be disputed by the petitioner after culmination of the proceedings with the order of the Finance Minister.

We do not find any error apparent on the record which may warrant review of the order dated 22nd August, 2016. Consequently, the Civil Review Petition is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	A. F. R.
CAV DATE	N. A.
Uploading Date	29.10.2016
Transmission Date	