

P.S.No. 1064881/2019

No. O-21011/3/2019-Coord
Government of India
Ministry of Finance
Department of Revenue

CH(FC) in meeting

18/02/19 (Adm)

New Delhi, the 15th February, 2019

Office Memorandum

Subject: Discontinuation of services of Shri Rajeev Kumar, Senior Government Counsel from hearing the cases pertaining to Department of Revenue.

The undersigned is directed to refer to the OA No. 3524/2018, filed by Dr. Shwetabh Suman, in the Hon'ble CAT PB New Delhi. Subsequently, vide order dated 23/10/18 this O. A. was disposed off with the directions to examine the case of the applicant in terms of the judgement of the Hon'ble Supreme Court of India in Ajay Kumar Choudhary Vs. UoI and other facts pleaded by the applicant and pass appropriate orders within 4 weeks.

2. After going through the records, it appears that the present case was not defended effectively by the Government Counsel Shri Rajeev Kumar appointed for the purpose. This is evident from the following facts:

(i) Without any directions from the Govt, the counsel submitted in the Hon'ble CAT PB Delhi that the Government do not intend to file any reply in this case, since it is a covered matter (copy of CAT PB's Order Sheet dated 16/10/18 enclosed).

(ii) The fact that the continuation of suspension would be appropriate and would be in accordance with the law laid down by the Hon'ble Delhi High Court in the case of Govt. of NCT of Delhi Vs. Rishi Anand which had interpreted the decision of the Supreme Court in case of Ajay Kumar Chaudhary, was not brought out by the Govt. Counsel before the Hon'ble CAT PB New Delhi.

(iii) Even at the stage of conveying his opinion on the Hon'ble CAT PB, New Delhi judgment dated 23.10.2018 in above OA, Sh. Rajeev Kumar, Govt. Counsel vide his letter dated 08/11/2018 had opined that this was not a fit case where a review or writ is warranted. He had further opined to implement the judgement/order dated 23/10/18 of the Hon'ble Tribunal within a time period given by Hon'ble Court. He did not point out the decision of Hon'ble Delhi High Court in Rishi Anand case.

3. Since his advice had not considered Hon'ble Delhi High Court Judgement in Rishi Anand case, the advice of Ld. SG was also sought in case, who has advised for filing Writ Petition in the Hon'ble High Court of

Pr. Coun (Coord) 19/2

URGENT!
Pl put up immediately
Dir (Adm II A/B)

US (Adm I/A)

19/2/19

M. Suresh
19/02/2019
Sd/- Anand Kumar,
Subd.
Sh. H.P.

(28)

Delhi so that there is no non-compliance of the said order of the Hon'ble CAT (Advice of Ld. Solicitor General is enclosed). In another case, Dr. Shwetabh Suman has since been convicted on 13/02/2019 with rigorous imprisonment for 7 years by a Special CBI Court.

4. In view of above, it would be appropriate in the interest of Department of Revenue, if the services of Sh. Rajeev Kumar, Senior Govt. Counsel are no longer utilized in respect of cases pertaining to Department of Revenue and its field formations including CBDT, CBIC and ED. The existing cases presently being represented by Shri Rajeev Kumar, as well as future cases pertaining to Department of Revenue and its field formations including CBDT, CBIC and ED may please be assigned to other competent Government Counsel.

5. This issues with the approval of Revenue Secretary.



(Shyamal Samaddar)

Under Secretary to the Government of India

Tele: 2309 5539

Encl. As Above

The Secretary, Department of Legal Affairs
Ministry of Law and Justice,
Shastri Bhawan, New Delhi.

Copy to:

1. Chairman, CBDT
- ✓ 2. Chairman, CBIC
3. Director, Enforcement Directorate.