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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

C.P. No.299/2003  
O.A. No.2335/2002

New Delhi, this the 18th day of November, 2003

HON'BLE SHRI V.K. MAJOTRA, VICE CHAIRMAN (A)  
HON'BLE SHRI BHARAT BHUSHAN, MEMBER (J)

Ghevar Chand Jain,  
S/o Shri Nathu Lal Jain,  
R/o SL-6, Income Tax Colony,  
Tonk Road, Jaipur-302018  
at present at New Delhi,  
C/o B-127, Malaviya Nagar,  
New Delhi-17.

...Applicant

(By advocate: Sh. K.K. Patel)

Versus

Shri P.L. Singh  
The Chairman  
Department of Revenue  
Central Board of Direct Taxes  
North Block,  
New Delhi.

(By Advocate: Sh. V.P. Uppal)

...Respondent

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman(A)

Heard.

2. OA-2335/2002 was disposed of by this Tribunal  
vide order dated 9.9.2002 with the following  
directions:-

"At this stage, it becomes unnecessary to  
issue any notice to the respondents  
because their rights are not likely to be  
affected. It is directed that the  
respondent No.2 should convene the  
meeting of the DPC considering the  
applicants, if eligible and other  
eligible persons as per rules and  
appropriate order be passed in accordance  
with law. This exercise preferably  
should be completed within six months  
from the date of receipt of a copy of  
this order."

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3. In this CP-299/2003 the Tribunal earlier on passed orders that respondents should annex the promotion order dated 31.1.2003 and they should also clarify whether any of the eligible officers who were in service on 31.1.2003 had been given promotion to the grade of JCIT for any vacancies arising prior to 31.7.2002, i.e., the date of superannuation of the petitioner in CP-299/2003 in OA-2335/2002.

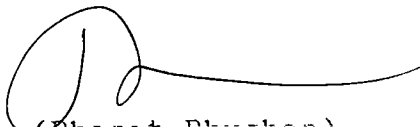
4. Respondents have filed additional affidavit as required alongwith Annexure as RC.II which are instructions dated 9.4.1996 prescribing procedure for departmental promotion with regard to retired employees. Bringing to our attention the counter affidavit and additional affidavit on behalf of the respondents it has been stated that by order dated 31.1.2003 (RC-I) 1991 batch DCsIT were promoted on the basis of the recommendations of the DPC held in January 2003. The applicant in this OA had already retired on 31.7.2002. All the eligible officers who were in service on 31.1.2003 were promoted to the grade of JCIT. Since the applicant was not in service on the date of issue of promotion order, i.e., 31.1.2003, he was not promoted. Learned counsel stated that the DOP&T OM dated 9.4.1996 prescribing the procedure to be followed by the Departmental Promotion Committee in regard to the retired employees has been duly followed.


5. Keeping in view the contention raised in the reply affidavit and additional affidavit made on behalf of the respondents as also the instructions contained in DOP&T OM dated 9.4.1996, while

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respondents have taken appropriate action in compliance of the directions of this court contained in the order whereby the related OA was disposed of, no deliberate and contumacious contempt seems to have been committed by the respondents. Contempt Petition is, therefore, dismissed and notices issued to the respondents are discharged. However, if the applicant is still aggrieved by the action of the respondents, he can resort to remedy in accordance with law, if so advised.

  
(Bharat Bhushan)  
Member (J)

  
(V.K. Majotra)  
Vice Chairman(A)

\*JK\*