

1.

25.8.2003

CP-298/2003 In  
OA-2185/2002

Present: Shri K.K. Patel, learned counsel for  
applicant.

Heard Shri K.K. Patel, learned counsel for  
petitioner.

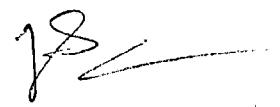
Learned counsel submits that respondents have  
done nothing by way of implementation of Tribunal's  
order dated 20.8.2002 in OA-2185/2002 even though only  
three months have granted to them to carry out those  
directions. Hence this C.P.

Noting the above facts and submissions, issue  
notice to the alleged contemner in CP-298/2003  
returnable in four weeks.

List on 10.10.2003.

Personal presence is exempted for the present.

  
(V.K. Majotra)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Vice-Chairman (J)

cc.

✓

10-10-2003

5.

CP=298/2003  
in

O.A=2185/2002

Present: Shri K. K. Patel, learned counsel  
for the petitioner.

Shri V. P. Uppal, learned counsel  
for the respondents.

Shri V. P. Uppal, learned counsel  
submits that he will be filing  
reply affidavit in the course of the  
day and has handed over a copy of the  
same to Shri K. K. Patel, learned counsel  
for the petitioner.

List on 14-10-2003.

Naik  
(S.K. Naik)  
Member (A)

B  
(Smt. Lakshmi Subramanian)  
Vice Chairman (J)

SK

6.  
14-10-2003  
CP 298/2003  
OA 2185/2002

Present : Sh. Arun Bhardwaj, learned proxy counsel for  
Sh. K.K.Patel, for the applicant.  
Sh. V.P.Uppal, learned counsel for respondents.

The respondents have submitted that as per the order of the Tribunal dated 20-8-2002 in OA 2185/2002, they have held DPC for promotion to the grade of JCIT on 6th, 7th, and 8th January, 2003, when the petitioner was also considered for promotion against vacancies pertaining to the year 2001-02. They have also stated that the DPC had recommended the name of the petitioner for promotion to the grade of JCIT. However, they have submitted that he could not be promoted to the grade as the applicant had superannuated from service w.e.f. 30-9-2002. They have further submitted that all the eligible officers who were in service on 31-1-2003 were promoted to the grade of JCIT".

2. We note that respondents have not annexed the promotion order dated 31-1-2003. This should be done. They should also clarify whether any of the eligible officers who are in service on 31-1-2003 have been given promotion to the grade of JCIT for any vacancies arising prior to 30-9-2002 i.e. the date of superannuation of the petitioner.

3. Sh. V.P.Uppal, learned counsel seeks and is allowed two weeks to bring on record the aforesaid facts by way of an affidavit and annexures. List on 7-11-2003.

4. Let a copy of this order be issued to the learned counsel for the parties DASTI.

Sarweshwar Jha M  
(Sarweshwar Jha) M  
M (A)

Lakshmi Swaminathan  
(Smt. Lakshmi Swaminathan)  
VC (J)

/vikas/

Item No. 6

C.P. No. 298/2003 IN  
O.A. No. 2185/2003.

7.11.2003.

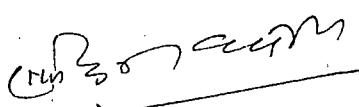
Present : Shri K.K. Patel, learned counsel of the petitioner.

Shri V.P. Uppal, learned counsel of the respondents.

Learned counsel of the petitioner states that he has not received a copy of the reply filed by the respondents. Shri V.P. Uppal, learned counsel of the respondents, states that the same has been sent by the post. However, he has supplied a copy of the same in the Court to the learned counsel of the petitioner. Learned counsel of the petitioner seeks time to seek instructions on the same.

List it for orders on 18.11.2003.

  
(BHARAT BHUSHAN)  
JUDICIAL MEMBER

  
(R.K. UPADHYAYA)  
ADMINISTRATIVE MEMBER

/ravi/

Addl. Affidavit file of

CP 298/03<sup>2</sup>  
OA 2185/02  
18/11/2003

CP dismissed by an oral order  
dictated in the open court by a  
DOS of Hanifesh V.K. Majotra, retd. a  
Hanifesh Bharat-Bhushan, m(A)

Bo  
Caret

MS

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. No.288/2003  
O.A. No.2185/2002

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)

Shri Abdul Sattar,  
Retired as Deputy Director of Income-Tax  
Directorate of I.T. and Audit,  
E-2, ARA Centre,  
Jhandewalan, New Delhi.

...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.

OA-2185/2002 was disposed of by this Tribunal  
vide order dated 20.08.2002 with the following  
directions:-

"Having regard to the submissions made by  
the learned counsel, we find it just and  
proper to dispose of the present OA at  
this very stage even without issuing  
notices with a direction to the  
respondents to consider the aforesaid  
representation filed by the applicant and  
hold a DPC meeting for considering his  
claim for promotion and of other similar  
placed persons in their organisation, as  
expeditiously as possible and subject to  
the instructions on the subject, in any  
case, within a period of three months  
from the date of receipt of a copy of  
this order. We direct accordingly. O.A.  
is disposed of in the aforesated terms."

MS

In this CP-298/2003 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 30.9.2002, i.e., the date of superannuation of the petitioner in CP-298/2003 in OA-2185/2002.

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 30.9.2002. 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.

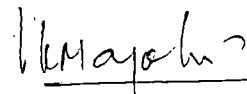
Vb

(A)

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 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\*