

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00251/2019

DATED THIS THE 23RD DAY OF JANUARY, 2020

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V.SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Manjunath I Pujar,
S/o Shrilshwarappa Pujar,
Aged about 59 years,
R/o. S-77, Golden Enclave,
Old Airport Road,
Bangalore-560 017.
Presently posted as
Assistant Commissioner of Income-Tax,
O/o the DRP-1, Kendriya Sadan,
Bangalore-560 034

...Applicant

(By Advocate Shri T.C. Gupta)

Vs.

1. Union of India,
Through the Finance Secretary,
Ministry of Finance
Department of Revenue ,
Government of India,
New Delhi-110001.

2. Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi-110 001.

3. Pr. Chief Commissioner of Income Tax ,
Karnataka & Goa Region,
C.R. Building, Bangalore-560 001.

(By Shri Vishnu Bhat, Standing Counsel for the Respondents)

ORDER (ORAL)**HON'BLE DR.K.B.SURESH** **...MEMBER(J)**

This is a sad case of utter irresponsibility on the part of the respondents.

We quote from our earlier orders we made on 17.12.2019, 19.12.2019 and 09.01.2020:

"17.12.2019
KBS(MJ)/CVS(MA)

The Department Representative submits that since this smatter relates to a Group A officer, it has to be done at the level of the Board and even though 5 or 6 reminders have been sent to them, they are sitting on the issue. However, post the matter on 19.12.2019 for disposal whether or not they file their reply."

"19.12.2019
CVS(MA)

This application has been filed on 28.02.2019. Then subsequently posted to 24.04.2019, 09.07.2019, 10.07.2019, 22.08.2019, 18.09.2019, 04.10.2019, 30.10.2019, 11.12.2019 and finally on 17.12.2019. The department representative submits that since this matter relates to a Group A officer it has to be done at the level of the Board, New Delhi and even though 5 or 6 reminders have been sent to them they are sitting on the issue. This matter was posted for today for disposal whether or not they file their reply.

Shri Vishnu Bhat, learned counsel for the respondents, files an MA seeking three months' time for filing reply. The Board apparently has sent a letter saying that the case file has been sent to DT-Pers, and as soon as comments are received, the same will be forwarded to the respondents.

In this matter the prayer is for consideration of the applicant for promotion with effect from 01.04.2018. The subsequent DPC held on 31.12.2018 has apparently put the case of the applicant in a sealed cover on the basis of administrative report dated 23.10.2018. Applicant has submitted that the original date of promotion is 01.04.2018 and no matter was pending against him. Therefore the Review DPC only has to consider the facts and circumstances lying at the time of the original

DPC. Since adequate time has already been given to the respondents, we find no reason to give further time as sought for in the MA. We therefore give two weeks' time as a last and final chance for filing reply by the respondents, failing which the matter will be decided without their reply. Post the matter on 09.01.2020."

"09.01.2020
KBS(MJ)/CVS(MA)

The matter was taken up on 28.02.2019, then on 24.04.2019, then on 09.07.2019, then on 10.07.2019, thereafter on 22.08.2019, then on 18.09.2019, then on 04.10.2019, then on 30.10.2019, then on 11.12.2019 and thereafter on 17.12.2019, when we passed the following order:

"The Department Representative submits that since this matter relates to a Group A officer, it has to be done at the level of the Board and even though 5 or 6 reminders have been sent to them, they are sitting on the issue. However, post the matter on 19.12.2019 for disposal whether or not they file their reply."

In the meanwhile, an application had been moved by the respondents to grant them some more time to file reply on the ground that the Central Board of Direct Taxes is the authority to regulate the service of Group A officers and the Board vide letter F.No.C-18011(S)/53/2019-V&L dated 18.12.2019 has informed that the case file has been sent to DT-Personnel and it is under inter-ministerial consultation. We are unable to understand why this small matter should be kept pending for year together. If the resolution or at least put up a defence, then it may be considered that he is not fit to sit in that post.

We do not want to say anything more on the incompetence of such officers. Post for disposal on 13.01.2020.

A copy of this order to be issued to both parties."

2. But even after one year has elapsed since the matter was taken up, no reply is seen filed. The Board has seriously erred in this matter. We hold them responsible for this situation and since there is no reply even after the matter was first taken up on 28.02.2019 and almost a year has elapsed, there is no way other

than for us to grant the order. OA is therefore allowed. The benefits to be made available to the applicant within 2 weeks next. No cost.

(C.V.SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA No.170/00251/2019

AnnexureA-1 : Copy of DPC minutes dated 27.3.2018.
Annexure A-2 : Copy of promotion order dated 30.3.2018.
Annexure A-3 : Copy of DPC minutes dated 31.12.2018.
Annexure A-4 : Copy of DOPT OM dated 21.11.2002.
