

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.2966/2001
M.A.No.2569/2001

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Hon'ble Shri V.K.Majotra, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Friday, this the 10th day of May, 2002

Dr. J.K.Goyal
s/o Shri M.L.Goyal
Commissioner of Income Tax
Bhubaneswar. ... Applicant

(By Advocate: Ms. Chitra Gera)

Vs.

1. Union of India through
The Secretary
Department of Revenue
Ministry of Finance
North Block
New Delhi.
2. Central Board of Direct Taxes
through Chairperson
Department of Revenue
Ministry of Finance
North Block
New Delhi. ... Respondents

(By Advocate: Shri V.P.Uppal)

O R D E R (Oral)

By V.K.Majotra, M(A):

Heard.

2. Applicant had filed OA 590/2001. The respondents in that case were directed to open the sealed cover in respect of applicant's promotion on the basis of the recommendations of the DPC. The respondents are alleged to have promoted officers junior to the applicant leaving out the applicant against whom the disciplinary proceedings in pursuance of Memorandum dated 16.7.1991 were continued. The applicant, through the present OA, sought for direction to the respondents to promote him to the

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grade of Chief Commissioner of Income-Tax in accordance with the recommendations of the DPC dated 5.2.2001. (15)

3. Shri V.P.Uppal, learned counsel appearing on behalf of respondents, has brought to our attention Annexure R-2 dated 28.12.2001 whereby the applicant was promoted on provisional basis to officiate as Chief Commissioner of Income-Tax subject to the final outcome of the pending disciplinary proceedings against him. He further referred to Annexure R-3 dated 20.2.2002 whereby disciplinary proceedings initiated against the applicant vide Memorandum dated 16.7.1991 have been dropped.

4. Whereas taking into consideration the above Annexures R-2 and R-3, we are of the considered opinion that respondents have accorded substantial relief to the applicant dropping the disciplinary proceedings against him initiated in pursuance of Memorandum dated 16.7.1991. The applicant has already been promoted on provisional basis and the orders of promotion were subject to final outcome of the disciplinary proceedings. Now, that disciplinary proceedings have been dropped, it is expected that the respondents shall confirm promotion of the applicant to the grade of Chief Commissioner of Income-Tax within a period of one month from the date of receipt of a copy of this order.

5. With the above observations, the OA is disposed of. No costs.

S. Raju
(Shanker Raju)
Member(J)

/RAO/

V.K. Majotra
(V.K. Majotra)
Member(A)