

Central Adminstrative Tribunal
Pincipal Bench, New Delhi

O.A.2431/95

New Delhi this the 18th Day of November,1996

Hon'ble Shri S.R. Adige, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Shri Krishan Kumar,
Tax-Assistant
O/o the Additional Commissioner of
Income Tax, Company Range-2
New Delhi.Applicant

(By Advocate : Shri D.R. Gupta)

VERSUS

1. The Chief Commissioner of
Income Tax,
C.R. Building, I.P. Estate,
New Delhi-1100 02.
2. The Addl. Commissioner of Income Tax,
Range 2, New Delhi.Respondents

(By Advocate : Shri V.P. Uppal)

Order (Oral)

(By Hon'ble Shri S.R. Adige, Member (A))

Heard.

2. Admittedly the applicants representation dated 14.2.95 recommended and forwarded to the Commissioner of Income Tax by the Dy Commissioner of Income Tax vide letter dated 15.2.95 has not yet been disposed of.
3. Accordingly we dispose of this O.A. with direction to the respondents to dispose of the applicants representation dated 14.2.95 and subsequent representation dated 1.5.96 by means *in accordance with law* of detailed, speaking and reasoned order under intimation to the applicant within two months from the date of receipt of a copy of this judgement.

4. In this connection, Sh. D.R. Gupta, has invited our attention to the judgement dated 17.3.93 in OA-3369/92 Sh. Kamaluddin vs. Commissioner of Income Tax and OA-3370/92 Sh. V.K. Anand & Others vs. Union of India & Others wherein while disposing of those OAs in which those applicants had challenged the action taken by the respondents in respect of the same alleged misconduct. In V.K. Aanand's case it had inter alia been observed that the respondents were expected to be fair and equitable to all of their staff members who were equally situated and in the event of any preferential treatment to any one of them, who were similarly placed and were accused in a criminal case, there must be cogent reasons to distinguish their individual act so as to justify the preferential treatment meted out.

5. Shri Gupta has also invited our attention to the averments contained in the rejoinder wherein it has been stated that other similarly situated persons S/Shri V.K. Anand and Shri R.S. Rawat and Shri O.P. Mann have been granted either promotion or permission to cross the efficiency bar but the applicant has been denied the same, and has, therefore, been subjected to hostile discrimination.

6. The above extracts of the judgement dated 17.3.93 in V.K. Anand's case as well as the averments contained in the applicants rejoinder should ~~be~~ be kept in view by the respondents while they dispose of the applicant's representation.

7. The O.A. stands disposed of accordingly. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member(J)

S.R. Adige
(S.R. Adige)
Member(A)