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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No.207/88

Date of decision: 27.5.93

Sh.K.KalayanaRaman

....

Petitioner

versus

Central Board of Direct Taxes
through its Chairman,
Ministry of Finance
Department of Revenue
New Delhi & ors. Respondents

CORAM:THE HON'BLE SH.I.K.RASGOTRA, MEMBER(A)
THE HON'BLE SH.J.P.SHARMA, MEMBER(J)

For the petitioner ... None

For the Respondent ... Mrs.Raj Kumari Chopra,
No.1 counsel.

JUDGEMENT(ORAL)

(BY HON'BLE SH.I.K.RASGOTRA, MEMBER(A))

This case has been coming up since the institution of the OA in 1988. The petitioner last appeared in the Tribunal on 20.7.88. Thereafter, he never appeared. The official respondents have not filed any counter-affidavit. There is, however, counter-affidavit filed on behalf of Respondent No.3. The right for filing the counter-affidavit on behalf of Respondents 2,4 &5 was forfeited by order dated 27.7.89. Opportunity was given to the petitioner to file rejoinder to the counter-affidavit filed on behalf of Respondent No.3 but he failed to do so. None has put in appearance on behalf of the respondents 2 to 5 after 20.7.88. When the case came up today, neither the petitioner nor any counsel on his behalf appeared. Mrs. Raj Kumari Chopra, counsel, appears on behalf of Respondent No.1 and submits that no counter-affidavit has been filed on behalf of Respondent No.1 as the issues raised in this OA are only a variant of issues which had been agitated earlier in OA No.1492/87. The said OA was dismissed by the Tribunal on 8.1.88. The

petitioner had also filed RA No.1358/88 which too was rejected on 19.7.88. From the OA itself, we find that the petitioner had filed Writ Petition No. 4831/82 and Writ Petition No.5019/83 in the Madras High Court. These too were dismissed. He filed a Special Leave Petition in the Supreme Court which according to the petitioner's statement was dismissed. The learned counsel for Respondent No.1 submitted that the basic grievance of the petitioner is that he is not satisfied with the avenues of promotion available to Stenographers in the offices of the Central Board of Direct Taxes. It transpires from the order of the Commissioner of Income Tax, Madras dated 10.7.87(page 42 of the paperbook) that the petitioner was employed as Tax Assistant, in the office of the Income Tax Officer (Admn.) City Circle I, Madras. He had applied for permission to appear in the Income Tax Officers (Group B) Examination. His application was, however, rejected vide order dated 10.7.87 as he was not eligible to appear for the said examination under the rules.

2. From the submissions of the learned counsel for Respondent No.1 and the averments made in the OA, it appears that the petitioner has agitated these issues or variants of these issues in the various forums i.e. High Court of Madras, Madras Bench of the Tribunal and the Principal Bench. Since the petitioner himself is not present and the old record is not available with us, we cannot express any opinion on merits. The OA is, however, dismissed for the reason that this is vague and it does not list any

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specific relief which he would like to seek from the Tribunal. Further, the issues are variants of the issues raised by the petitioner time and again. There can only be one cause of action and he has to agitate that cause of action bringing out all the points at one time. He cannot reserve same points for agitating at a subsequent stage. Accordingly, the OA is dismissed. No costs.

J.P.Sharma
(J.P.SHARMA)

MEMBER(J) 27.5.75

I.K.Rasgotra
(I.K.RASGOTRA)

MEMBER(A)

SNS