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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

Regn. No. MP 969/87 in
OA 980/87

Date of Decision:- 15.10.1987

Shri J.M. Tandon ... Applicant.

Vs.

Union of India & others ... Respondents.

CORAM:- Hon'ble Mr. Justice, J.D. Jain, Vice Chairman
Hon'ble Mr. Birbal Nath, Administrative Member.

For the applicant Shri Vijay Tandon
Advocate

For the respondents Smt. Raj Kumari Chopra
Advocate.

O R D E R

This is an application for review of our order dated 17.7.87 dismissing the OA No. 980/87 in limine. We have gone through the OA No. 980/87. The applicant was given seniority as an Inspector in the Income Tax Department vide order dated 28th April, 1987 in Transferred application No. 1087/85 in the case of Shri V.M. Tandon Vs. Union of India. It would appear from the averments made in the application that he has already made an application for Contempt of Court proceedings for non-compliance of the said order. Obviously no action ^{can} ~~would~~ be taken in regard to the said grievance of the applicant in this case.

contd....

2. The other grievance of the applicant is that he had to qualify in two papers prescribed by the department for promotion to the post of Income Tax officer Group B. He appeared in the test which was held in June 1986 but he could not ~~qualify~~ the same. His ground is that papers were not properly evaluated because of the malafide on the part of the Income Tax Officer due to successive legitations launched by him against the department. The applicant suspected foul ^l play and requested the concerned authority vide representation dated 16.2.1987 that his paper be re-checked but the request was declined by the respondents after a long time vide their letter dated 19th June, 1987. On account of this delay on the part of the respondents the petitioner could not appear in subsequent examination which was held in June 1987 i.e. the date on which rejection was communicated to him. Obviously, mere making a representation was not enough to debar the applicant to appear in the examination held in June 1987. He took deliberate risk in the matter if he did not appear in the said examination and he could ^{have} ~~blow~~ himself only for this lapse. No doubt there was delay on the part of the concerned authority in informing the applicant about the rejection of his representation but that would not entitle the applicant to be declared successful or to be promoted as Income Tax Officer Group B. Hence we find no substance in this application.

We dismiss this application.

(Birbal Nath)
Member

(J.D. Jain)
Vice Chairman