

Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.1708/2004

New Delhi, this the 3rd day of February, 2005

Hon'ble Mr.Justice V.S. Aggarwal, Chairman  
Hon'ble Mr.S.A. Singh, Member(A)

Ashutosh Prasad,  
Commissioner of Income Tax (O.S.D.),  
Kolkata (West Bengal)

... Applicant

(By Advocate: Shri Anand Bhardwaj)

Versus

1. Union of India, through  
The Secretary to the Government of India,  
Ministry of Finance,  
Secretariat Building, North Block,  
New Delhi-1
2. The Revenue Secretary:  
Ministry of Finance,  
Government of India,  
Secretariat Building, North Block,  
New Delhi-1
3. The Chairman,  
Central Board of Direct Taxes,  
Department of Revenue,  
Ministry of Finance,  
Government of India,  
Secretariat Building, North Block,  
New Delhi-1

.... Respondents

(By Advocate: Shri V.P. Uppal)

**Order(Oral)****Justice V.S. Aggarwal, Chairman**

On 21.7.2004, when this matter came up before this Tribunal, it had been made clear that the present O.A. is only to be considered for reliefs in paragraph 8.3 and 8.4 of the petition. Therefore, the question of expressing anything pertaining to any other relief does not arise. Learned counsel for the applicant states that he would take his recourse under the law pertaining to other reliefs.

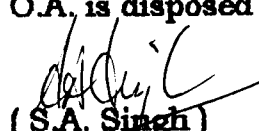
2. So far as reliefs in paragraph 8.3 and 8.4 are concerned, the learned counsel for the respondents fairly informed us that the applicant was in the zone of consideration for promotion to the post of Chief Commissioner of Income Tax. The Departmental Promotion Committee had not made any assessment in the case of the applicant as sufficient number of officers with the prescribed bench-mark had become available above him. In this connection, it has been pointed that no person junior to the applicant has since been appointed.


3. Keeping in view these facts, it becomes unnecessary for this Tribunal to ponder with respect to the merits of the matter. It is directed that the claim of the applicant should be considered in the accordance

*As Aggarwal*

with law when the next DPC meeting is held, as per the posts available.

O.A. is disposed of.

  
( S.A. Singh )  
Member(A)

  
( V.S. Aggarwal )  
Chairman

/dkm/