

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 12th day of March, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. S. C. CHAUBE, A.M.

O.A. No. 350 of 2001

Ajay Kumar Sonkar, aged about 33 years S/O Late Sri M.P. Sonkar, at present posted as Income-Tax Officer, Ward-III(2), Banda, U.P.....
.....Applicant.

Counsel for applicant : S/Sri B.P. Srivastava, R.K. Pandey and Km. S. Upadhyaya.

Versus

1. Union of India through the Secretary, Ministry of Finance, New Delhi.
2. The Chief Commissioner of Income-Tax, Ayukt Bhawan, 16/69, Civil Lines, Kanpur.....
.....Respondents.

Counsel for respondents : Sri G.R. Gupta.

ORDER (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri R.K. Pandey, learned counsel for applicant Sri G.R. Gupta, learned counsel for respondents and perused the pleadings.

2. Despite repeated opportunities, the respondents have not filed counter affidavit in this case which is listed today for hearing and final disposal. The applicant was initially appointed as Income-Tax Inspector in September 1986. The applicant appeared in the departmental examination ^{held} taken for promotion to the post of Income-Tax Officer on 3rd July, 1995. The applicant was promoted ^{as} and by order dated 22.3.96 he was declared successful in the said examination. However, he came to be promoted on 29.7.98 and posted at Banda.

3. The grievance of the applicant is that on the basis of the result of departmental examination, the applicant ^{was} in due date ought to have been considered and promoted by the DPC, but he was not considered in September 1995 even though, accordi

(Signature)

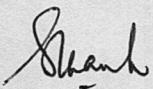
to him, he was eligible and senior most and had passed the departmental examination also. The applicant preferred representation dated 14.7.2000 which was forwarded to the competent authority vide endorsement dated 24.7.2000. By communication dated 2.2.2001 (Annexure A-1), the Joint Commissioner, Income-Tax, Kanpur was requested to intimate the applicant that his earlier representations dated 22.4.96, 8.4.97 and 17.3.99 had already been rejected after careful consideration by the CCIT, Kanpur vide his letters dated 2.2.2001 and 15.1.2001 and since no new facts had been stated by the applicant in the concerned representations, ^{when} the same be treated as rejected. ^{In} the matter came up before the Tribunal on 7.11.2001, it was observed that apart from observation that the applicant's representation had been earlier rejected 'no other reason has been stated'. ^{In} the communication dated 5.2.2001 and having regard to the submission made on behalf of the applicant that earlier ^{it was a} order too ^{had} non-speaking order, counsel appearing for the respondents prayed for and ^{was} granted two weeks time to supply typed copies of the order dated 15.1.2001 and 2.2.2001. Thereafter the case was adjourned several times but till date the orders have not been produced. The O.A. was accordingly admitted on 7.1.2003 and directed to be listed for hearing. In the circumstances of the case we have reasons to presume that the earlier orders dated 2.2.2001 and 15.1.2001 too were non-speaking. We are of the view that the representations dated 22.4.96, 8.4.97, 17.3.99 and 14.7.2001 ought to be decided a fresh by ^a ^{reasoned} order after proper self direction to the points raised by the applicant in his representations.

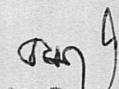
4. Accordingly the O.A. succeeds and allowed with a direction to the second respondent to consider the applicant'

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representations aforesated and dispose them of by a reasoned and speaking order after proper self direction to the points raised in the representations and take such other action as may be ^{required} wanted in terms of the order ~~in~~ ^{on} the representation within a period of two months from the date of receipt of a copy of this order or before the next DPC whichever event happens earlier. Copy of the order be served on the competent authority within two weeks.

No order as to costs.


A.M.


V.C.

Asthana/