

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.1069 of 2001.

Allahabad this the 09th day of May 2003.

Hon'ble Mr.Justice R.R.K. Trivedi, V.C.

Hardayal,
aged about 35 years,
S/o Shri Shankar,
R/o Village & Post- Kargawan
P.S.-Chirgaon, Tehsil Moath
District: Jhansi.

.....Applicant.

(By Advocate : Sri Rakesh Verma)

Versus.

1. Union of India
through the Secretary
Ministry of Finance
New Delhi.
2. The Government of India
through the Director,
Ministry of Personnel Public,
Grievances and Pensions (Department
of Personnel and Training) New Delhi.
3. The Chief Commissioner of Income Tax,
Civil Lines, Kanpur.
4. The Commissioner of Income Tax,
Agra.

.....Respondents.

(By Advocate : Sri R.C. Joshi)

O_R_D_E_R

By this O.A., filed under section 19 of Administrative
Tribunals Act 1985, the applicant has prayed for quashing
the impugned order dated 22.08.2000 passed by respondent
No.4, Commissioner Income Tax, Agra by which the
representation of the applicant has been rejected.



The aforesaid order has been passed by respondent No.4 in pursuance of the direction given by respondent No.3 namely Chief Commissioner of Income Tax Civil Lines, Kanpur vide letters dated 08.08.2000 and 21.08.2000.

2. The learned counsel for the applicant has submitted that applicant worked for more than 240 days, if entire period is taken into account ~~and~~ he is entitled for temporary status. The grievance of the applicant has not been considered in ~~the~~ ^{correct} manner. It is also submitted that the impugned order is stigmatic and it may be a hurdle in future employment. It is not an order terminating the claim of the applicant ~~as~~ simplicitor.

3. The learned counsel for the respondents, on the other hand, submitted that applicant worked 6 days in 1995, 69 days in 1996, 76 days in 1997, 235 days in 1998 and 98 days in 1999. It is submitted that thus the applicant did not complete 240 days in any ~~year~~ and he was rightly not granted temporary status, so far as last paragraph of the impugned order is concerned, the learned counsel for the respondents has submitted that as the applicant is not entitled for relief in respect of service, adverse remark, concerned paragraph are not relevant and applicant is not entitled for any relief.

4. I have considered the submission of learned counsel for the parties. There is no doubt that the respondent No.4 while rejecting the claim of the applicant has passed the order which is causing stigma against him and it may be injurious to him in future employment. The claim of the applicant has ^{not} been considered in the context of Government order.

5. Considering the entire facts and circumstances, in my opinion the applicant may be given liberty to file



representation before respondent No.3 Chief Commissioner of Income Tax challenging the order of respondent No.4.

If representation is filed within a month it shall be considered and decided in accordance with law within 3 months thereafter.

No order as to costs.



Vice-Chairman.

Manish/-