

Advise  
marks (No)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

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O.A. No. 21 OF 1990  
~~Ex. No.~~

DATE OF DECISION 14-2-1992.

P.S. Rashtrapal, Petitioner

Mr. Anil Raval for Mr. M.R. Anand, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. M.R. Bhatt, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

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P.S. Rashtrapal,  
Income Tax Officer,  
Income Tax Office  
C.U. Shah Chambers,  
Ashram Road, Ahmedabad.

.... Applicant.

(Advocate: Mr. Anil M. Raval for  
Mr. M.R. Anand)

Versus.

1. Union of India  
(Notice of the application  
to be served through the  
Secretary, Ministry of Finance  
Central Secretariat  
New Delhi).

2. Chief Commissioner of  
Income Tax (Gujarat)  
Income Tax Office  
Ashram Road, Ahmedabad.

..... Respondents.

(Advocate: Mr. M.R. Bhatt)

ORAL JUDGMENT

O.A.No. 21 OF 1990

Date: 14-2-1992.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Mr. Anil M. Raval for Mr. M.R. Anand,  
learned advocate for the applicant and Mr. M.R. Bhatt,  
learned advocate for the respondents.

2. This application is filed by the applicant  
seeking the relief that the adverse remark in the  
Confidential Report at Annexure A-1 for the year  
1986-87 be quashed and set aside and the applicant  
has also further prayed that the impugned order  
Annexure A-3 dated 20th August, 1987 communicated  
by the Chief Commissioner (Administration) and  
C.I.T. Gujarat-1, Ahmedabad and the impugned order

Annexure A-5 dated 13th October, 1989 by which appeal of the applicant was rejected also should be quashed and set aside. The learned advocate Mr. Raval for the applicant today submits that he has received the instructions from the applicant that he has been promoted to the higher post of Assistant Commissioner of Income Tax during the pendency of this O.A. and hence the C.R. in question has become infructuous. The learned advocate Mr. M.R.Bhatt for the respondents does not dispute the fact that the applicant has been so promoted. In my opinion therefore, the C.R. in question has become infructuous. Under <sup>now</sup> these circumstances there is no question of setting aside the impugned orders as the application has become infructuous by virtue of applicant's promotion to the higher post. Hence the application shall have to be disposed of accordingly.

ORDER

Application is disposed of as having become infructuous by virtue of the admitted fact that the applicant has been promoted to the higher post of Assistant Commissioner of Income Tax during the pendency of this petition and C.R. has also

become infructuous. ~~There is~~ <sup>no</sup> order as to  
costs.

*Real*  
(R.C. BHATT)  
Member(J)