

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on Order
3	2.3.88	<p>We have heard the petitioner in person as his counsel is absent due to the fact that the lawyers have gone on strike. We are told by the petitioner that against the impugned order, an appeal has been preferred to the competent authority which still remains pending. Normally we would have held that Section 20 of the Administrative Tribunals Act, 1985 would create a bar for admitting this application but in the peculiar facts and circumstances of the case and ^{due to} the urgency involved in the matter which would appear from our order hereunder, we would have ^{say} waive the provisions ⁱⁿ contained under section 20 of the Administrative Tribunals Act and hold that this case should be heard on admission.</p> <p>2. Admit. Issue notice to the respondents to show cause within four weeks from the date of receipt of the notice as to why this application should not be allowed. Requisites are said to have been filed. Check and issue.</p> <p>3. We have heard the petitioner in person as his lawyer is absent for the aforesaid reasons. Learned Sr. Standing Counsel is absent due to the same reasons. We are told by the petitioner and his statement is supported by letter No. AD.V-2/87-88/34059-93 dated 18.2.1988 addressed to All Heads of Office of Orissa Charge by the Income Tax Officer (Headquarters) (Admn.), Bhubaneswar to forward the applications of the intending candidates to appear at the next departmental examinations by 4.3.88. It was submitted before us by the petitioner that since the competent authority, by his impugned order, has debarred the petitioner to appear at the examinations to be conducted for the next three years, the petitioner cannot avail of the opportunity of appearing at the examinations and even though the present application under sec. 19 of the Administrative Tribunals Act is allowed, yet the petitioner would suffer for another year and would not be able to receive the fruits of the decree, if passed, in favour of the petitioner. We feel that there is considerable force in the contention of</p>	Sri Sudhir Chandra Giri

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the petitioner and therefore we would direct that the application of the petitioner to appear at the next examination be accepted and forwarded to the competent authority and the petitioner be permitted to appear at the examination but result of the examination (so far as the petitioner is concerned) shall not be published until further orders and further more we would say that the result of the application would govern the future service benefits of the petitioner.

A copy of this order be forthwith sent to the Commissioner of Income Tax, Orissa, Bhubaneswar through a special messenger to be delivered to him positively in the forenoon of 3rd March, 1988 and a copy of the same be also forwarded to the Income Tax Officer (Headquarters) Administration, Bhubaneswar (Mr. A.K.Chatterjee) for his information.

The petitioner is at liberty to obtain certified copy of this order and produce the same before the Commissioner of Income Tax for his information and necessary action.

Asst. Secy.
Vice Chairman.
Secy.
Member (Judl.)

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Learner Advocate for Respondent No. 2 and 3 present. Time till 25.5.88 23 allowed for filing counter. Learner Advocate Submits that he has intimated about the final petition to the learned counsel for the applicant.

Regd.