

3

O.A. No. 204 of 2009

Order dated: 25.05.2009

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (A)

Heard Mr. Sunil Mishra, Ld. Counsel appearing for the applicant and Mr. Subhasis Mishra, Ld. Additional Standing Counsel for the Respondents, on notice.

2. Ld. Counsel for the applicant submits that he has filed this O.A. challenging the office memorandum issued by the Department of Personnel and Training dated 11.07.2002 and 01.08.2007 enclosed in the O.A. as Annexure-A/6 and A/7 respectively. He apprehends that based on these instructions, he may not be considered by the Departmental Promotion Committee, which is likely to <sup>meet</sup> for considering the eligible candidates for promotion to the post of Income Tax Officer, Group-B shortly. He is not aware of the date of DPC nor the Ld. Counsel for the Respondents is aware of the fact when the DPC is likely to be conducted in near future.
3. Ld. Counsel for the applicant also prays for an interim relief to keep one post of Income Tax Officer vacant in the order of seniority till the disposal of the O.A. or in alternative no promotion to the post of ITO be given without leave of this Tribunal.
4. This interim relief sought for is absolutely premature because neither the date of DPC is known to either side nor is there any document which has been produced to show that the promotion of the eligible candidates is being considered by the Respondents. At this

4

stage, this application has been filed purely based on the apprehension. It is also seen that the applicant has made a representation on 20.05.2009 at Annexure-A/9 to consider his case for promotion without taking cognizance of DoP&T instruction and also the Karnataka High Court order in the Writ Petition No. 2758/08 dated 16.03.2008. Since, this representation is filed only a week before the O.A. has been filed, it would not be proper for this Tribunal to give any direction regarding disposal of this representation.

5. In view of the above, the O.A. is dismissed at the stage of admission.
6. Send copies of this order to the Respondents and free copies be given to the Ld. Counsel for the parties.

  
MEMBER (A)

RK

Order of 25-5-09

Copy of Order  
may be given to  
both Counsel.

  
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