

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.496 of 2011

Goutam Ku Das Applicant

Vs

UOI & Ors. Respondents

.....

Order dated - 03-08-2011.

CORAM

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

Section 19 of the A.T.Act, 1985 deals with Applications
to Tribunals. It provides as under:

"19. **Applications to Tribunals** - (1) Subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter which the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievances."


Rule 9 of the CAT (Procedure) Rules 1987 provides that every application shall be accompanied by an attested true copy of the order against which the application is filed.

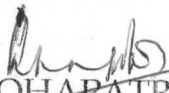
Whereas the Applicant who is working as Inspector of Income Tax under the Control of Commissioner of Income Tax, Arunodaya Market Building, Link Road, Cuttack has filed this Original Application seeking declaratory relief to hold the purported action of the Respondents to revert him to the post of Office Superintendent is illegal with innocuous prayer to hold that

2

4

his order of promotion is valid and legal. In so far as the latter prayer is concerned, it is noted that there is no provision for entertaining an application filed anticipating any adverse order and in so far as the former prayer is concerned we see that his order of promotion was subject to conditions stipulated therein. Hence, after hearing learned counsel for both sides, we hold that this OA being premature is liable to be dismissed. Accordingly, this OA stands dismissed at this admission stage.


(A.K.PATNAIK)
Member (Judl.)


(C.R.MOHAPATRA)
Member (Admn.)