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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00911 OF 2016
Cuttack, this the 22nd day of December, 2016

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

Shri Artabandhu Patra, aged about 60 years (**Date of retirement is 31st December, 2016**), S/o Late Bhagaban Patra residing At:- Labanya Bhawan, Plot No.869, Chandimata Colony, Rasulgarh, Bhubaneswar 751010, at present working as Director of Income Tax(I&CI), Aayakar Bhawan Annex, Rajaswa Vihar, Bhubaneswar-751007.

...Applicant

(By the Advocate-M/s. J. M. Patnaik, C. Panigrahi)

-VERSUS-

Union of India Represented through

1. Secretary (Revenue), Ministry of Finance, Department of Revenue, Central Secretariat, New Delhi-110001.
2. The Under Secretary to Govt. of India, (V &L-1) C.B.D.T. Ministry of Finance, Department of Revenue, Central Secretariat, New Delhi-110001.
3. The Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi-110001.
4. The Principal Chief Commissioner of Income Tax, Odisha Region, Ayakara Bhawan, Bhubaneswar, Dist-Khurda.
5. The Central Vigilance Commission, Satarkta Bhawan, GPO Complex, Block A, INA, New Delhi-110023.
6. The Principal Director General of Income Tax (Vigilance), 1st Floor, Dayal Singh Public Library Building, Deen Dayal Upadhyaya Marg, New Delhi-110002

...Respondents

By the Advocate- (Mr. B.P. Nayak)

ORDER (Oral)

A. K.PATNAIK, MEMBER (J):

Heard Mr. C. Panigrahi, Ld. Counsel appearing for the applicant and Mr. B.P. Nayak, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served on the question of admission and perused the materials placed on record.

[Signature]

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the inaction on the part of the Respondents in considering his candidature for promotion to the post of Principal CIT as well as Chief CIT from the date others have been so promoted and grant of all consequential service and financial benefits. However, ventilating his grievance, applicant has submitted representation dated 09.02.2016 (Annexure-A/10) before the Central Vigilance Commission, New Delhi (Respondent No.5) and till date no communication has been received from the said Respondent on his representation.

3. As it is stated by Mr. Panigrahi that the representation dated 09.02.2016 (Annexure-A/10) has been preferred by the applicant and the same is still pending consideration, without waiting for any reply from the Respondents and without entering into the merit of the matter, I dispose of this O.A. at the stage of admission itself by directing Respondent No.5 that if any such representation has been preferred by the applicant on 09.02.2016 (Annexure-A/10) and the same is still pending consideration then the same may be considered and disposed of and the result be communicated to the applicant by way of a reasoned/speaking order within a period of two months from the date of receipt of copy of this order.

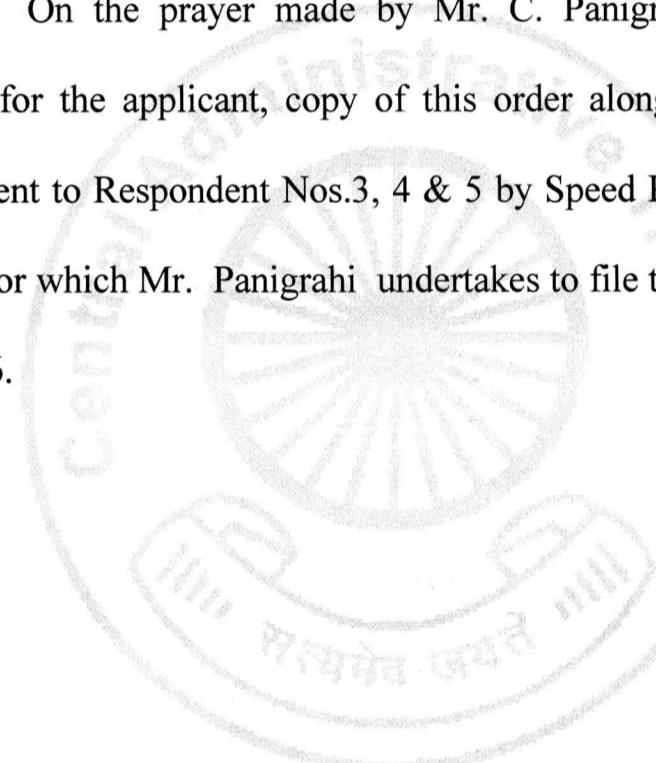
4. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representation are kept open for the Respondent No.4 to consider the same as per rules, I make it clear that if after such consideration it is found that the applicant is entitled to the relief as claimed by him in the instant O.A., then the same may be extended to him as expeditiously as possible preferably within a further period of three months from the date of such consideration.

W.B.

5. However, it is made clear that if in the meantime the said representation has already been considered and disposed of, then the result of the same be communicated to the applicant within a period of four weeks from the date of receipt of copy of this order.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. C. Panigrahi, Learned counsel appearing for the applicant, copy of this order along with paper book of O.A. be sent to Respondent Nos.3, 4 & 5 by Speed Post at the cost of the applicant for which Mr. Panigrahi undertakes to file the postal requisites by 23.12.2016.


A. K. Patnaik
(A.K.PATNAIK)
MEMBER(J)

K.B.