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## CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH: CUTTACK

OA No.799 of 2013  
Cuttack, this the 4<sup>th</sup> day of December, 2013

CORAM:  
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)

.....  
Sri Biranchi Narayan Dash, aged about 55 years, Son of Late Banshidhar Dash residing at House No.MB-90, BRIT Colony, Badagada, Bhubaneswar-751 018 in the district of Khurda at present Deputy Commissioner of Income Tax.

.....Applicant

(Legal Practitioner – M/s.Bijay Panda, B.B.Sahu)

Versus

**Union of India and others**

1. The Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi-110 001.
2. Central Board of Direct Taxes, represented through its Chairman, Department of Revenue, North Block, New Delhi-110 001.
3. Union Public Service Commission, represented through its Secretary, Dholpur House, Shahjahan Road, New Delhi-110 011.
4. Secretary, Department of Personnel & Training (DOPT), Ministry of Personnel, Public Grievances & Pensions, North Block, New Delhi.

.....Respondents

(Legal practitioner – Mr.P.R.J.Dash)

**O R D E R**

(Oral)

**A.K.PATNAIK, MEMBER (JUDICIAL):**

On being pointed out as to how this OA is maintainable in absence of persons who would be affected, in case the order under Annexure-A/1, is quashed as sought by the applicant in this OA, Mr.B.Panda, Learned Counsel appearing for the Applicant has fairly

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submitted that he does not press the said prayer (as stated in para 8 (i) of the OA) and undertakes to file a Memo to the above extent, in course of the day.

In view of the above, the prayer to quash the order under Annexure-A/1 dated 1<sup>st</sup> October, 2013 [stated in Column 8 (i)] of the above is treated as not pressed.

2. The case of the Applicant, in nut shell, is that he is working as Deputy Commissioner of Income Tax bearing Civil List No. 01585. He was eligible/entitled to adhoc promotion to JCIT w.e.f. 1.10.2013. The Respondents in violation of the CBDT orders dated 1.10.2013 promoted 164 IRS (IT) Officers to JCIT without considering the case of the applicant. Further case of the Applicant is that against the order of promotion dated 1.0.2013 he has submitted representation on 25.09.2013 to Respondent No.2 praying for promotion to JCIT with effect from the date his juniors were promoted to the said rank vide order dated 1.10.2013 which is still pending for consideration.

3. Mr.P.R.J.Dash, Learned Additional CGSC appearing for the Respondents has no immediate instruction whether in the meantime any decision has been taken on the said representation. Since the grievance is still pending before the competent authority i.e. Respondent No.2 as submitted by Learned Counsel for the Applicant, without expressing any opinion on the merit of the matter this OA is disposed of with direction to the Respondent No.2 to consider/dispose of the representation dated

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25.09.2013 and communicate the decision thereof to the applicant within a period of 60(sixty) days from the date of receipt of copy of this order. If on consideration of the representation it is decided that the applicant is entitled to such adhoc promotion to JCIT then necessary orders may be issued to that effect within a period of 30(thirty) days from the date of the said order and if in the meantime the representation has already been disposed of the result thereof shall be communicated to the applicant within a period of fifteen days from the date of receipt of this order. There shall be no order as to costs.

4. On the prayer of Mr.B.Panda, Learned Counsel for the Applicant registry is directed to send copy of this order to Respondent No.2 by speed post at the cost of the applicant for which Learned Counsel for the Applicant undertakes to furnish the postal requisite within four days hence.

  
(A.K.Patnaik)  
Member (Judicial)