

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.139/08

Thursday this the 13 th day of March, 2008.

**CORAM:**

**HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**  
**HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

Shri V.D.Sisirkumar  
Deputy Commissioner of Income Tax(Exemption)  
(Retired), Office of the Commissioner of Income Tax,  
Ayakar Bhavan, Kowdiar P.O.,  
Thiruvananthapuram. Applicant

(By Advocate Shri. P.Santhoshkumar)

Vs.

1. Union of India represented by the  
Secretary, Central Board of Direct Taxes,  
Ministry of Finance,  
Department of Revenue,  
Government of India, New Delhi.
2. The Chief Commissioner of Income Tax, Kochi.
3. The Commissioner of Income Tax,  
Thiruvananthapuram. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 13 th March, 2008,  
the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

The applicant sought the following reliefs:

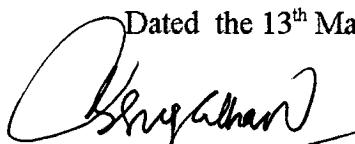
- "i) Declare that the applicant is entitled for promotion as Deputy Commissioner with effect from 1.1.06 instead of 13.4.2006.
- ii) To call for the records leading to Annexure A-3 order imposing penalty of censure to the applicant and set aside the same.
- iii) To call for the records leading to Annexure A-11 letter issued by the 1st respondent regarding the retrospective promotion with effect from 1.1.2006.
- iv) To grant such other further reliefs as this Hon'ble Tribunal may deem just fit and proper in the circumstances of the case."



2. From the records it is observed that his Annexure A-4 Appeal is yet to be disposed of by the Appellate Authority. It is only when the Appellate Authority takes a decision on the Appeal and modifies the penalty order, that the case of the applicant for retrospective promotion can be considered. The applicant has, by way of an interim relief prayed for a direction to the Appellate Authority to dispose of the pending Appeal. Without going into the merits of the case, we feel that interests of justice would be met, if a direction is given to the 1st respondent to consider A-4 Appeal dated 21.7.2006 and pass a speaking order. Let this be done within two months from the date of communication of this order.

3. O.A. is disposed of as above. There is no order as to costs.

Dated the 13<sup>th</sup> March 2008.



Dr. K.S. SUGATHAN  
ADMINISTRATIVE MEMBER



Dr. K.B.S. RAJAN  
JUDICIAL MEMBER