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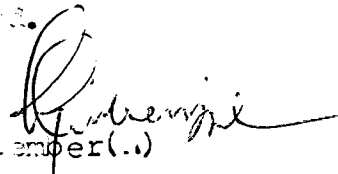
being challenged by the parties.

2. In the first supplementary affidavit it has been stated by the department that a criminal offence was accepted by the government in the name of Chri Lanta, regarding the execution of several prisoners was considered by the then Chairman, C.P.C. After that, a review D.P.C. was held on 9.11.1990. The review D.P.C. also did not recommend the inclusion of Chri Lanta's name in the panel of Commissioner of Income Tax, drawn in September, 1987-88. The above recommendations were accepted by the department. Chri Lanta filed again second counter application and in which the tribunal issued yet another direction on 4.4.91. The direction of the Tribunal was accepted and C.P.C. was requested to hold another review D.P.C. in his case. The C.P.C. held another review D.P.C. on 20th June, 1991. This D.P.C. also did not recommend inclusion of Chri Lanta's name in the panels drawn earlier by the September, 1987 and April, 1988 D.P.C. These recommendations were accepted by the Government. But his recommendation for subsequent year was kept in the sealed cover, the sealed cover containing recommendations of the September, 1990, D.P.C. was opened. It was found that recommendation has already been made in his favour. The competent authority approved the recommendations subject to the condition that he should be promoted with effect from the date his junior gets promoted. The regular panel drawn up by this D.P.C. has since been approved by the Competent Authority, and he has been promoted to the grade of Commissioner of Income Tax, vide order dated 24th December, 1991. As such an assertion made by the department in this supplementary counter-affidavit that it can not be said that any wrong has been committed by the respondents is not correct.

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subsists or survives.

3. It is a different matter that the applicant feels from his promotion with effect from a particular date because that can not ^{be a} subject matter of his contempt application. The scope of which is limited and accordingly this contempt application is consigned and notices are discharged.


Member(..)


Vice-Chairman

Lucknow dated 4th August, 1992.

(naa)