[illegible]

[illegible]

[illegible]

[illegible] . . . . [illegible]

Versus

[illegible] . . . . [illegible]

[illegible] U.S. [illegible], V.C.

[illegible]

[illegible]

Limits
[illegible] application [illegible]

[illegible]

[illegible] reproduction [illegible]

[illegible]

[illegible] in [illegible]

[illegible] which [illegible]

[illegible]

[illegible] by [illegible]

[illegible]

[illegible]

[illegible] thereafter. [illegible]

[illegible] authority [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

been exchanged by the parties.

2. In the last supplementary affidavit it has been stated by the department that the order [illegible] was accepted by the Government and the matter of promotion of Shri [illegible], regarding promotion of Commissioner [illegible] was considered by the then Chairman, C.B.D.T. Thereafter, a review D.P.C. was held on 9.11.1990. The review D.P.C. also did not recommend the inclusion of Shri [illegible]'s name in the panel of Commissioner of Income Tax, drawn in September, 1987-88. The above recommendations were accepted by the department. Shri [illegible] filed again second contempt application and in which the tribunal issued yet another direction on 4.4.91. The direction of the Tribunal was accepted and UPSC was requested to hold another review D.P.C. in his case. The U.P.S.C. held another review D.P.C. on 20th June, 1991. This D.P.C. also did not recommend inclusion of Shri [illegible]'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 [illegible] assertion made by the department in this supplementary counter-affidavit that it can not be said that any [illegible] has been committed by the respondents [illegible]

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(A) Vice-Chairman

Lucknow dated 4th August,1992.

(kkA)