

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH  
OA/TA/RA/CP/MA/PT/.....601.....of 20-1990(1)

Sharif Haq.....Applicant(S)

Versus

Union of India &amp; others.....Respondent(S)

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Certified that the file is complete in all respects.

B.C. sealed out &amp; destroy

Signature of S.O.

Signature of Deal. Hand

Central Administrative Tribunal  
Circuit Bench, Lucknow

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Date of filing: 11/12/90  
Date of Receipt by Post: 11/12/90  
Deputy Registrar(J) (A)

Registration No. 461 of 1989 q.o.(c)

11/12

APPLICANT(s) Shariful Haq

RESPONDENT(s) Union of India (Income Tax)

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? application No

2. a) Is the application in the prescribed form? Yes

b) Is the application in paper book form? No

c) Have six complete sets of the application been filed? No

3. a) Is the appeal in time? application Yes

b) If not, by how many days it is beyond time? Dated 13.7.90

c) Has sufficient cause for not making the application in time, been filed? No

4. Has the document of authorisation/ Vakalatnama been filed? Yes

5. Is the application accompanied by B.D./Postal Order for Rs.50/- Yes

6. Has the certified copy/copies of the order(s) against which the application is made been filed? No

7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed? No

b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? Yes

c) Are the documents referred to in (a) above neatly typed in double space? No

8. Has the index of documents been filed and paging done properly? Yes

9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? N.A.

10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? No

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *yes*

12. Are extra copies of the application with Annexures filed ? *yes*

a) Identical with the Original ? *yes*

b) Defective ? *no*

c) Wanting in Annexures *no*

Nos. 1 pages Nos. 1 ? *Single space*

13. Have the file side envelopes bearing full addresses of the correspondance been filed ? *n.a.*

14. Are the given address the registered address ? *yes*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *n.a.*

17. Are the facts of the case mentioned in item no. 6 of the application ? *After no. 6*

a) Concise ? *yes*

b) Under distinct heads ? *yes*

c) Numbered consecutively ? *no*

d) Typed in double space on one side of the paper ? *yes*

18. Have the particulars for interim order prayed for indicated with reasons ? *no*

19. Whether all the remedies have been exhausted. *yes*

dinesh11.12.91  
D.R.*Put up before the Hon'ble**Enz 1.91 for orders.**11.12.91**R*  
*11/12*

OR

9.5.91

(AS)

No RA filed

HC for the  
applicant has filed  
MP 232/914 for

SPO

L  
8/13

to Mr Justice AGS, VC  
Hon Mr AD GOTHAM  
Concise has been filed  
5 day adjourns if any  
may be filed within  
2 weeks thereafter for  
fix hearing on 24/6/91  
Respondents are directed  
to produce record for  
the perusal of Tribunal  
on the date of hearing

L

DR

DR

DR

VC

No RA filed

L  
14/6

24.6.91

Respondent has  
been filed. To  
the direction of  
the Hon'ble Bench  
to pull up this case  
for final hearing  
today. Hence file  
be sent to the  
Hon'ble Bench for  
final hearing

401/90C

(AM)

28.1.91 -

No sitting Adly to 7.3.91,

(2)

28.1.91 S.2.91

Hon. Mr. Justice K. Nath v.c  
Hon Mr. K. Obayya A.M.

On the request of counsel  
for applicant case is adjourned  
to 7.2.91.

D  
I  
P  
A.M.

AM  
A.M.

2

07.2.91

Hon'ble Mr. Justice K.Nath, V.C.

Hon'ble Mr. K.Obayya, A.M.

Admit. and connect with O.A.No. 348/90

Shri V.K. Chaudhary accept notice on behalf  
of respondents. Notice meant for respondents  
may be delivered by the office to Shri Chaudhary.  
Counter may be filed within ten days to which the  
applicant may file rejoinder by 4.3.91. We do not  
find any sufficient cause for granting any  
interim relief at this stage.

See  
Original order  
in  
main Petition

Sd/

A.M.

Sd/

V.C.

OR  
Notice was issued  
Sri V.K. Chaudhary accept  
Notice on behalf of respondents.  
No relief or any  
interim relief has been filed.

2/2/2

OR  
Notices were issued  
Sri V.K. Chaudhary accept  
Notice on behalf of respondents.  
No relief or any  
interim relief has been filed.  
S.P.O. 2/2/2

24.6.91

(AS)

Hon. Mr. Justice K. Nataraj, V.C.  
Hon. Mr. K. Obayya, A.M.

On the request of counsel  
for applicant case is adjourned  
to 25.6.91 for hearing

R  
B  
AM

QH  
V.C.

25/6/91

Hon. Mr. Justice K. Prath, V.C.  
Hon. Mr. K. Obayya, A.M.

Sirs S. Z. M. Kazmi for the applicant &  
Shri V. B. Chaudhary for the respondents  
are present. Counter & Rejoinder have  
been exchanged. Shri Kazmi produces  
before us a copy of the judgement dated 9/5/91  
in O.A. No. 348/90 of the bench of this Tribunal  
consisting of Hon'ble Justice U. C. Srivastava, V.C. &  
Hon. Mr. A. B. Gorai, A.M. That very bench  
will be sitting here in the next week.  
We direct this case to be listed for final  
hearing on 2/7/91 before the same  
Bench.

R  
AM.

QH  
V.C.

R

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.401 of 1990

Sharful Haq ..... Applicant

Versus

Union of India & Others .... Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as direct recruit U.D.C. in the year 1970 under the age relaxation for ex-servicemen. He was promoted as Tax Assistant w.e.f. 31.7.78. The applicant has prayed that a writ of mandamus be issued to the Chief Commissioner of Income Tax in the case of the applicant and without giving further opportunity for filing counter affidavit. He has also prayed to promote him as Supervisor and Incometax Inspector had he been promoted as Head Clerk treating Tax Assistants senior to U.D.C.

2. The applicant has placed reliance in the case of S.M.R. Kazmi and others Vs. Union of India and Others (O.A. No.348 of 1990) decided by this Bench on 9.5.91. The Bench observed as follows :

" We direct that the respondents shall give promotion to the applicants in accordance with rules alongwith as per the order of the Tribunal dated 26.8.88 referred to above notwithstanding the fact there was any failure on their part to formulate the scheme. In case the applicants are found entitled, their appointment will take effect from that date

(A7)

and not from the date they were subsequently promoted. Let compliance of this order be made within a period of two months and one week from today. As this order has been passed in the presence of the counsel and officials of the Income Tax Department, it is not necessary to say that the order is to be implemented from the date of receipt of copy of the same."

3. The case of the applicant and that of S.M.R.Kazmi and others is somewhat similar and accordingly this application is also allowed in the above very terms.

*Shanayi*  
Member (A)

*W*  
Vice Chairman

Dated the 3.7 July, 1991.

RKM

(X)

I Courts Copy

APPLICATION UNDER SECTION 19 OF ADMINISTRATIVE  
TRIBUNAL ACT, 1986.

Sharful huq Vs. Chief Commissioner of Income-tax,  
Lucknow and Union of India through  
Secretary of Finance, New Delhi

Sl. No.	Description of documents Relied upon.	Page No. From To		Annexure No.
		1	5	
1.	Applivation			
2.	Postal Order No. 02466871 dated 4-12-1990			
3.	Representation	6	6	I
4.	Vakalatnama	7	7	II

**C.A.T. (PROCEDURE) RULE 1985**

FORK = 1

(See Rule - 4)

APPLICATION UNDER 19 OF THE ADMINISTRATIVE TRIBUNAL ACT - 1985  
FCR USE IN TRIBUNAL'S OFFICE

DATE OF FILING 7-12-90

OR

DATE OF RECEIPT BY POST  
REGISTRATION NO.

SIGNATURE  
REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ADMINISTRATIVE BENCH, CIRCUIT BENCH  
LUCKNOW.

Shri Sharful Haq

**APPLICANT**

1. Chief Commissioner of Income-tax,  
Lucknow.
2. Union of India ~~Through S. C. S. Finance~~

#### DETAILS OF APPLICATION

**PARTICULARS OF THE APPLICATION OF APPLICANT :**

Name of the applicant: Sharful Haq

Name of the father : Late Shri Hemid Hussain

Designation & Office : Tax Assistant in the office of the  
in which employed Dy, Commissioner of Income-tax(Audit),  
Lucknow.

Office address : As mentioned above

Address for service : -do-  
of the notice

RIV

## PARTICULARS OF THE RESPONDENT:

UNION OF INDIA THROUgH SECRETARY  
MINISTRY OF FINANCE NEW DELHIName & Designation of the  
Respondent

1. Union of India, THROUgH SECRETARY  
SECRETARY - MINISTRY OF FINANCE NEW DELHI  
2. Chief Commissioner of  
Income-tax.

Office address of the  
respondent.Central Revenue Building,  
Kalyan Bhawan, Ashok Marg,  
Lucknow.Address of Service of  
all notices.

-do-

1. PARTICULARS OF THE ORDER AGAINST  
WHICH APPLICATION IS MADE.i) Order No.:

a) Min. of Finance letter F.No.C-18012/28/90-V&L addressed to the Chief Commissioner of Income-tax(Admn.), Ashok Marg, Lucknow(J.P.)

b) Copy of Min. of Finance letter F.No.C-18012/28/90-V&L to the Chief Commissioner of Income-tax(Admn.), Ashok Marg, Lucknow(J.P) addressed to the Under Secretary, Ad, VII, CEDT, New Delhi.

ii) Date:

(a) 18-7-1990  
(b) 18-7-1990

iii) Passed by:

(a) & (b) Govt. of India

iv) Subject in brief:

a) Implement of Tribunal's order dated 26-8-88 in the case of Syed.Mohd.Raza Kazmi under intimation to the Board.

b) Implement the Tribunal's order dated 26-8-88 so as to amend promotion Rules for promotion to the post of Head Clerk treating Tax Assistant (T.A.) Senior to Upper Division Clerk (J.D.C.).

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the orders against which they want respite is within the jurisdiction of the Tribunal.

11/12/90

3. LIMITATION ON:

It is declared that the application is with the time limit prescribed in section 21 of Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE

the facts of the case are as under:

- i) That the applicant had joined as applicant in the application filed in this Tribunal and registered as OA No.348 of 1990(L) but is filing this application separately as directed.
- ii) That the petitioner joined as direct recruit J.D.C. in the year 1970 under age relaxation for ex-servicemen.
- iii) That he was promoted as Tax Assistant w.e.f. 31.7.1973
- iv) That it has been held in C.A.R's order in C.H.No. 125 of 1987 in the case of Shri Syed Mohd. Raza Kazmi that the post of Tax Assistant is to be treated senior to JDC for purpose of promotion to the post of Head Clerk.
- v) That the said Tribunal judgement has been accepted by the Union of India vide letters F.No.C-13012/28/90-V&L dated 18.7.90 received to the CCIT, Lucknow & made as annexure 1 & 2 of OA No. 348 of 1990 (L).
- vi) That this letter at Annexure II of OA No. 348 of 1990(L) further says that Shri Syed Mohd. Raza Kazmi will be treated H.C. w.e.f. 7.3.1984 treating Tax Assistant senior to JDC's for purpose of promotion to the post of H.C. and has directed to the Chief Commissioner of Incometax, Lucknow to implement the said judgement in his case under intimation to the Board as per Annexure I of OA No. 348 of 1990(L)
- vii) That in this principle is applied in the case of applicant he would have been promoted as H.C. sometimes in the year 1985, as supervisor Grade II in the year 1988 and as Income tax Inspector in the year 1989 because the applicant has passed departmental examination for Inspector's in the year 1973.

*2 filed & lost* GROUND FOR RELIEF WITH LEGAL PROVISIONS :

- i) Because it has been accepted that the Tax Assistants' are senior to JDCs for promotion to the post of H.C.
- ii) Because the Chief Commissioner of Incometax, Lucknow has been directed to promote Shri Syed Mohd. Raza Kazmi as H.C. treating Tax Assistants' senior to J.D.C.s'
- iii) Because the applicant is also a Tax Assistant therefore wants that he should also be promoted as H.C. treating Tax Assistants senior to J.D.C. and accordingly be promoted as supervisor Grade II and Inspector from the date on which he would be entitled for promotion to such posts.

(AU)

6. DETAILS OF THE REMEDIES EXHAUSTED:

Yes, all the remedies have been exhausted in the matter.

7. MATTER NOT PENDING WITH ANY OTHER COURT:

The applicant declares that a similar writ is pending in this Hon'ble Tribunal vide Misc. Application No.348 of 1990(L) and not in any other court.

8. RELIEF SOUGHT:

It is therefore humbly requested that a writ of mandamus be issued to the Chief Commissioner of Income-tax, Lucknow in the case of applicant, who has left only few years of his service -

- i) to promote him as H.C. treating Tax Assistants' senior to J.D.C.
- ii) to promote him as Supervisor and Income-tax Inspector had he been promoted as H.C. treating Tax Assistants' senior to J.D.Cs'.

9. INTERIM ORDER IF PRAYED FOR PENDING FINAL DECISION OF THE APPLICANT? THE OFFICIAL SEEKS ISSUE OF THE FOLLOWING INTERIM ORDER:

Provisional promotion to higher grades with immediate effect which the petitioner would have been entitled if the T.As' are treated senior to J.D.Cs' for purpose of promotion to the post of H.C. till the pendency of this petition because he has left only few years of his service.

10. That the application is being filed through personal delivery in the office of the Registrar.

11. Particulars of postal order in respect of the application:

i) Number of Indian postal order(s)	One
ii) Name of issuing post office	G.B.O. Lucknow
iii) Date of issue of postal order(s)	4-12-1990
iv) postal office at which payable	Lucknow

12. Details of Index - As on attached separate sheet with the application.

353

(25)

13. List of enclosures: a) Application  
b) Postal Order I No:-02463871 dt.4-12-90  
c) Details of Index iff

VERIFICATION

I, Sharful Haq, 3/o Late Shri Hamid Husain aged about 51 years do hereby verify, that the contents of paras of this application under section 19 of the Central Administrative Tribunal Act, 1985, are true to my personal knowledge and I have not suppressed any material fact.

Dated: 7-12-90

Place: LUCKNOW.

(SHARFUL HAC)  
APPLICANT

Se <sup>19</sup> 10

1912-13  
Feb. 1913

The Chief Commissioner of Income-tax,  
Lucknow.

Through proper channel

Sub: T.O. dated 26.8.88 in registration(O.A) No.125  
of 1987 in the case of Syed Mohd. Raza Kazmi Vs.  
Chairman Central Board of Direct Taxes & Chief  
Commissioner(Admn.) U.P. & CIT Lucknow-  
Implementation of directions/decision request  
regarding-

\*\*\*\*\*

Kindly refer to above.

According to this order such a scheme is to be  
introduced which would give benefit to T.A. over U.D.C. in  
the matter of further promotion. perhaps the only direction  
is of quota system which could possibly be implemented. If  
such a scheme had been implemented the applicant would have  
been benefitted in the ensuing D.P.C. It is, therefore, I  
requested that ensuing D.P.C. is not convened unless a scheme  
for further promotion of T.A. is introduced. If it is not  
done it would badly damage the interest of the applicant.

Yours faithfully,

( SHARFUL HAQ ) T.A.  
O/o. of the Deputy Commissioner of Income-  
tax(Audit), Lucknow.

Copy to Chairman, Central Board of Direct Taxes,  
New Delhi through Chief Commissioner of Income-tax, Lucknow  
for favour of information & necessary action.

( SHARFUL HAQ ) T.A.  
O/o. of the Deputy Commissioner of Income-  
tax(Audit), Lucknow.

ब अदालत श्रीमान

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BY PLEAURES, LUCKNOW, U.P., LUCKNOW

महोदय

(वादी) अपीलान्ट

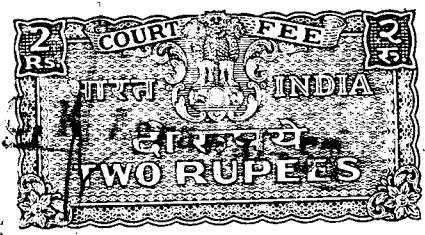
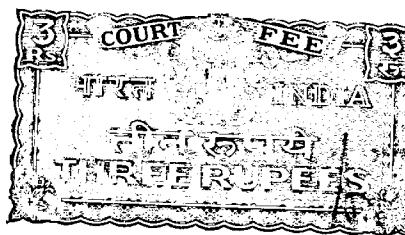
प्रतिवादी (रेस्पान्डेन्ट)

श्री..... का वकालतनामा

Syed Zafar Mehdī Kazmi

M.A.LL.B. Advocate Regd. No. 362

Sita Begum, Malti Khan Sarai Crossing, Lucknow



वादी (अपीलान्ट)

दनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा

सन् १९

पेशी की तारीख

१९

ई०

Syed Zafar Mehdī Kazmi

M.A.LL.B. Advocate Regd. No. 362  
Sita Begum, Malti Khan Sarai Crossing, Lucknow

एडवोकेट/वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करे या कोई कागज दाखिल करे या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहानामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारे विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त कर वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर  
(SHARFUL HASSAN)

साक्षी गंवाह

साक्षी [गंवाह]

दिनांक

महीना

सन् १९८

ई०

29  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A NO.401 of 1990(L)

Sharful Haq/-xx-x

... Applicant

-versus-

Union of India and others .. Opposite parties

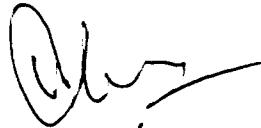
APLICATION FOR CONDONATION OF DELAY IN  
FILING COUNTER AFFIDAVIT.

.....

The opposite parties begs to submit as under:-

1. That due to some unforeseen circumstances the counter affidavit could not be filed earlier and now the counter affidavit is ready for filing. The counter affidavit is being filed herewith along with this application, which may kindly be taken on record after condoning the delay in the ends of justice.

Wherefore it is most humbly prayed that the accompanying counter affidavit may kindly be taken on record after condoning the delay in the interest of justice.



(VK Chaudhari)

Addl Standing Counsel for Central Govt  
(Counsel for the Opp. parties)

1/2  
Dr. 9.5.91

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW  
C.A.No. 401 OF 1990 (L)

Shariful Haq .... Applicant  
Versus  
Union of India and Others .... Respondents

CONTINUATION OF AFFIDAVIT OF THE APPLICANT.

1991  
AFFIDAVIT  
78 M  
DISTT. COURT  
U.P.

I, Praveen Kumar aged about 32 years, son of Shri Maniyalal at present posted as Assistant Commissioner of Income-tax, Headquarters, in the Office of the Chief Commissioner of Income-tax, Ashok Nagar, Lucknow do hereby solemnly affirm and state as under:-

1. That the defendant is posted as Assistant Commissioner of Income-tax (Headquarters) in the Office of the Chief Commissioner of Income-tax, Ashok Nagar, Lucknow and he has been authorised to file this affidavit on behalf of all other Respondents.
2. That the defendant has read and understood the contents of an affidavit moved by the applicant as well as the facts deposed to him in reply thereto. The defendant is also well aware of the facts of the case and he has also gone through the informations and instructions received by the office of the respondents.
3. That the contents of para 1 to 3 of the application need no comments except that both the letters mentioned in this para relate to departmental correspondence, the letter dated 11.7.1990 was sent by the Under Secretary, Central Board of Direct Taxes to the Chief Commissioner of Income-tax, Lucknow and the other letter dated 19.7.1990 was sent by the said Under Secretary to the Under Secretary, Ad.V-I, Central Board of Direct Taxes, New Delhi and copy forwarded to the Chief Commissioner of Income-tax, Lucknow.

(P29)

4. That in reply to the contents of para 4 of the application, the following facts are submitted.

(a) That after decision of the C.A. No.125 of 1987 S.M.K. Karri Vs. Central Board of Direct Taxes and others on 26.8.1988, the Government has considered the matter very thoroughly.

(b) That Govt. have carefully examined the various alternatives contained in the directions dated 12.9.89 of C.M.T. and have come to the Govt's view that the existing system regarding promotion of Tax Assistants to the post of Head Clerk is in the best interest of the Department and all other categories of employees and no change is contemplated in the existing arrangement. The statement made in para 4(V) of the application is that the Tribunal's judgment has been accepted by the Union of India is not factually correct.

(c) That according to the Cadre Adjustment Rules, 1969 as amended in 1990 for the posts of the Head Clerk, only Upper Division Clerk's are eligible for promotion to the grade of Head Clerk. Tax Assistant is not a further category for promotion to the post of Head Clerk. The Tax Assistants are not eligible for promotion to the post of Head Clerk, as per the Statutory Recruitment Rules, 1989 for Group 'C' posts.

However, since the posts of Tax Assistants have been created for a specific purpose to deal with the technical and complicated nature of work in the computers and investigation circles etc., and since the Upper Division Clerks are eligible for appointment as Tax Assistants, Department of Revenue issued executive order making the Tax Assistants eligible for promotion as Head Clerk on the basis of their seniority as Head Clerk. The Tax Assistants are thus, eligible for promotion to Head Clerk as a result of concession by the Department. However, they do not have a statutory right for such promotion.

That the posts of Upper Division Clerk's and Tax Assistants are ministerial posts in the hierarchy of the Govt. The normal line of promotion of a Tax Assistant is to the executive cadre of the revenue department.

(42)

(f) That it would not be feasible to evolve a quota system for promotion to the post of Head Clerks as this would create certain administrative problems. Fixation of quota may lead to denial of promotion to some Tax Assistants who otherwise may be senior to the combined list of ODCs. However since TAs are not in the federal cadre as a matter of right, the quota cannot be fixed. It is also not feasible to give an option to Tax Assistants to choose either the Executive Cadre of Income-tax Inspector or to continue to remain in the ministerial cadre. The Tax Assistants and the Divisional Clerks who pass the departmental examination of the Income-tax Inspectors should be considered separately for the executive cadre of Income-tax Inspector as it will be those who do not finally succeed in becoming Income-tax Inspectors for various reasons could be considered for further placement in the ministerial cadre.

(g) That the third alternative that the post of Head Clerk should be filled up by the amalgamation from amongst Tax Assistants and Assistant Divisional Clerks is also not considered practical as the post of Head Clerks are supervisory posts and no open competition is held for such posts.

(h) That in the light of the above position, the Government do not propose to make any change in the existing policy for promotion of the Tax Assistants to the cadre of Head Clerks as this has stood the test of time and this has been accepted by the Staff Associations/Unions.

5. That is also pertinent to mention that similarly in this case (the applicant Mr. J. J. has been informed by the applicant had further filed a revised application after the decision dated 26.8.88 i.e. 1.11.88 of 1988 before this Comptrol Tribunal but the same was rejected on 28.11.89).

6. That in the circumstances mentioned above, the applicant is not entitled to the reliefs claimed as

24/1/91

(P)

the grounds taken by him in ant trouble in the eyes  
of law is such the allegation is liable to be disbelieved  
with costs.

S. D. Agarwal

Defendant

Lucknow

Date 24 April, 1991.

#### VERIFICATION

I, the above named defendant do hereby verify that the contents of para 1 & 2 are true to my personal knowledge and those of para 3 to 5 are believed to be true on the basis of official records and information gathered from those sources & are believed to be true on the basis of local knowledge.

Signed and verified this on 29th April  
1991 in the court compound, Lucknow.

S. D. Agarwal  
Defendant.

Lucknow

Date 24 April, 1991.

I identify the defendant in this case as S. D. Agarwal  
he can be also seen with his signature.

(S. D. Agarwal)  
S. D. Agarwal, Standing Counsel for the Plaintiff,  
(Cases 1 & 2 of the suit).

Solely affidavit has been made by the defendant this day of 24th April, 1991 at 5.30 P.M. who has been identified by S. V. C. Agarwal, Advocate, 1st Court, Lucknow, I

I have satisfied myself that the defendant is the same person to whom this affidavit has been made and is explained by him & I

S. V. C. Agarwal  
S. V. C. Agarwal

Before the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

M. P. No. 96/91(C),

Hon'ble Sir,

In re of O.A. No. 401 of 1990.

Shariful Haq

....Applicant.

versus

Chief Commissioner of Income Tax

and Others.

...Respondents.

Most respectfully it is submitted on  
behalf of the applicant :-

1. That the opposite party had submitted before this Hon'ble Tribunal on 7.2.91 that the instructions had been received and he would file ~~be~~ the counter affidavit within ten days.
2. That the counter affidavit has not been filed in this case whereas the same has been filed in O.A. No. 348 of 1990 while the similar issues are involved in both the cases.
3. That the ~~concerning~~ counter affidavit has been filed deliberately to delay the decision.
4. That the Chief Commissioner of Income Tax has not supplied the copies of two letters dated 18.7.90 received to him and also the copy of letter dated 7.3.90 written by him to Under Secretary Ad.VII of Central Board of Direct Taxes, New Delhi which were very relevant to proceed with this case. (Encls.1)

contd....2

*filed today  
2  
c/c  
16/3/91*

5. That the instructions received to the Chief Commissioner of Income Tax, Lucknow from the competent Authority, through letter dated 18.7.90 are very clear and are issued after full application of mind, which provides that the Tax Assistants are senior to U.D.CS for purpose of promotion to the post of H.C., provides sufficient reason for this Hon'ble Tribunal to issue writ of mandamus as prayed in the application.

6. That any follow up reply in the counter affidavit will simply a deviation from the decision already taken and just to cover up the negligence done by the Chief Commissioner of Income Tax, Lucknow and other administrative authorities in not implementing the directions already received.

Prayer

Wherefore, it is prayed that this Hon'ble Tribunal be pleased to issue writ of mandamus as prayed in the application and also direct respondents for payment of cost as the applicant has very few years of service at his hands.

Lucknow:

Dated:

*Concurred for* Applicant.

*(P.K.M.K. - signed)*

To:

The Chief Commissioner  
of Income Tax, Lucknow.

Subject: Case No. O.A No. 401 of 1990 in  
case of Sri Sharfulhaq v/s Union  
of India & others.

Sir,

I am to state that the said case has been  
Registered in Central Administrative Tribunal Lucknow  
Bench viz case No. O-A No. 401 of 1990 and copy of the  
same has been served upon you through your standing  
counsel Sri. V.K. Chowdhry.

To Proceed with the case I shall be required  
certified copy of letter No. C-18012/28/90- V & L Date  
18.7.90 addressed to under Secretary Ad. VII of CBDT,  
New Delhi and copy to you, another letter of same no  
and date addressed to you and letter dated 7.3.90 sent  
by you to under Secretary Ad.- VII of CBDT, New Delhi  
you are therefore requested to supply me certified copy  
of the said letters at the earliest.

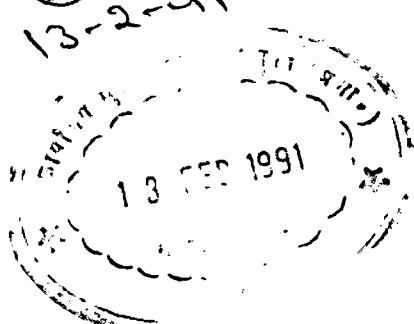
Thanking you in anticipation

Counsel for the Applicant

( Syed Zafar Mehdi Kazmi  
Advocate  
31/365, Hata Sitara B.  
Hardoi Road, Lucknow.

Lucknow  
Dt. 13.2.91

Rec'd  
13-2-91



(A70)

In the Central Administrative Tribunal,  
Circuit Bench, Lucknow.

Rejoinder in case C.A.No.401 of 1990  
Sharful Haq -- Applicant  
Vs.

Chief Commissioner of Income-tax,  
Ashok Marg, Lucknow, & Union of India ... Respondents.  
.....

The counsel for the applicant begs to submit on behalf of the applicant, as under :- In reply to the counter-affidavit filed by the respondent in the said case.

1. That the contents of paragraph 1 and 2 of the counter-affidavit relate to statement of fact and need no comments.
2. That in reply to para-3, of the counter-affidavit it is mentioned that the two letters dated 18-7-90 accepted on behalf of the respondents to have been sent to Under Secretary Ad.VII, Central Board of Direct-Taxes, New Delhi & the Chief Commissioner of Income-tax Lucknow, are the essence of this mandatory application. It has been mentioned that these two letters relate to Departmental Correspondence, which ought to be so because the matter of promotion of employees is also Departmental and not personal. These ~~xxx~~ letters are relevant in as much as that they show that the Union of India has complied with the operative part of the Hon'ble Tribunal's order dated 26-8-1988, which says "..... we direct to the respondent to evolve a scheme to remove the anomalous situation whereby the incumbent of promotional post (Tax Assistant) which are in-intermediary cadres are clubbed for their seniority with the persons in lower grade (Upper Division Clerk) for consideration for promotion to the post of Head Clerk and which has been accepted by the Govt. of India, by directing the Under Secretary Ad.VII, Central Board of Direct-Taxes New Delhi, that the Tax Assistants are to be considered senior to Upper Division Clerks for purpose of promotion to the post of Head Clerk by stating as under" .... he filed a petition before the CAT, Lucknow Bench, praying that the Tax Assistant should be considered senior to the Upper Division Clerk and the seniority of Shri S.I.R. Kazmi, be fixed accordingly for purpose of consideration for promotion to the post of Head Clerk and he should be promoted with effect from 7.3.1984.

2  
Filed today

2  
S.M.  
24/6/91

and his seniority should also be revised. He claimed all consequential benefits on this account also.

The Hon'ble Central Administrative Tribunal vide its order dated 26-8-1988, decided the matter in favour of Shri Kazmi. You are therefore, requested to please implement the judgment."

Besides, the Chief Commissioner of Income-tax Lucknow, has been sent a copy of these directions for necessary action at his end.

3. That the contents of sub para 4(a) to (h) of the counter-affidavit are misconceiving. It may be submitted that the statement given by the deponent Shri Praveen Kumar, Asstt. Commissioner of Income-tax (Headquarters) in the office of the Chief Commissioner of Income-tax, Lucknow, on behalf of the respondent in sub para 4(b) of the counter-affidavit that the CAT's judgment has ~~not~~ been accepted by the Union of India is not factually correct, attracts provisions of section 193 of the Indian penal code, punishment for false evidence, because the CAT's order has been accepted by the Govt. of India, vide letter dated 18-7-1990, accepted in counter-affidavit in para-3, to have been received to the Chief Commissioner of Income-tax, Lucknow and the guilty deponent is liable either to imprisonment or fine or both, which this Hon'ble Tribunal may deem fit.

This may be submitted that the facts stated in para 4 (a) to (h) are ~~frivolous~~ because once Govt. of India has accepted the CAT's order dated 26.8.88, a scheme ought to have evolved in which Tax Assistants are to be kept senior to Upper Division Clerks for purpose of promotion for the post of Head Clerk and which seems to have been evolved by letter dated 18.7.1990 referred to above and the Under Secretary A.D.V.I, had to give it a form of amended recruitment rules for ~~the~~ ~~next~~ promotion to the post of Head Clerk and the Chief Commissioner of Income-tax, Lucknow, had to implement the judgment in the case of Shri S.M.K. Kazmi, under intimation to the Govt. of India, but the two did not comply the direction of the Govt. of India for which the Hon'ble Court may direct that suitable action be taken against them under C.C.S.Rules. ✓ 5/6/91

S. M. Kazmi  
C.A.LL.B. App. Court, 31/7/91  
A. George D'Souza, M.A., Contd. p. 3.

It is also pertinent to mention here that the statement in sub para 4(c) that the post of Tax Assistant is not a feeder cadre for the post of Head Clerk and in sub para 4(e) that the line of promotion of a Tax Assistant is to the Executive Cadre of Income-tax Inspector, has been given just to mislead the Hon'ble Tribunal and contrary to the fact because the CAT's order dated 26-8-1988, has decided the fact that the post of Tax Assistant should also be the feeder cadre for promotion of Head Clerk and is a promotional post from Upper Division Clerk's Cadre and comes in the line of promotion for the post of Head Clerk. It may also be submitted that all the Tax Assistants are not entitled to promotion to the post of Income-tax Inspector unless they pass Departmental Examination of Income-tax Inspector and unqualified Tax Assistants are entitled only for promotion to the post of Head Clerk. Moreover, the statement that Govt. of India do not propose to ~~make~~ make any change in the existing policy for promotion of a Tax Assistant to the grade of a Head Clerk is contrary to the direction given in the letter dated 18.4.1990 and it is not clear as if it is the statement of Govt. of India or the statement of deponent arbitrarily because no letter of Govt. of India is annexed with the counter-affidavit ~~are~~ placed this Hon'ble Tribunal in support of the statement.

4. That in reply to para 5th of the counter affidavit it is submitted that the applicant has nothing to do with the review filed by Shri S.M.R.Kazmi, but pertinent is that CAT's order dated 26-8-1988, which provides for evolving a scheme for promotion to the post of Head clerk, so as to keep the Tax Assistant senior to Upper Division Clerk has been accepted by the Govt. of India.

5. That in addition to above submission it is submitted that the post of Tax Assistant is a promotional post from the post of a Upper Division Clerk as accepted by the respondent and by the Hon'ble Tribunal vide order dated 26-8-1988, it would be just and equitable to keep them senior for the purpose of all future promotion.

Syed Zafar Iqbal  
M.A.L.L.B. A.M. 31/202  
S. Chhota Bagh (Contd...)

6. That it may be submitted further that a similar writ of mandamus was filed in this tribunal as C.A. No. 348(L) of 1990 by four other applicants and has been decided by this Tribunal in favour of applicants directing the respondents to implement the same within two months one week time from 9.5.91.

7. That the foregoing statements are based on the facts supplied by the applicants.

Dated: Lucknow  
the 5<sup>th</sup> June, 1991.

Counsel for the applicants.

*Syed Zafar Ali Khan*

M.A.L.L. Advocate High Court, 31/28

Opp. Suresh Bhawan, 4th Floor, Gomti Nagar, Lucknow

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH: LUCKNOW.

M. P. No. 232791 (L) of 1991

Misc. Appeal No.:

In reference of : case No.OA No.401(1) of 1990  
and O.A.No.92 of 1991 in cases of S/Sri  
Sharful Haq and R.D.Shukla Vs. Chief  
Commissioner of Income-tax, Lucknow and  
Union of India.

The counsel for the above named applicants  
begs to submit as under:-

- (1) That the said cases have been filed and admitted by this Hon'ble tribunal basing on the copy of letter No.C-18012/28/90-V&L dated 18.7.90 to the Chief Commissioner of Income-tax, Lucknow and which is addressed to Under Secretary, Ad.VII of Central Board of Direct Taxes.
- (2) That therefore it was requested from the Chief Commissioner of Income-tax, Lucknow to provide the certified copy of said letter vide letter annexed herewith but the Chief Commissioner of Income-tax, Lucknow did not supply the same so far.
- (3) That in absence of the said letter it would be difficult to justify the claims of the applicants before this Hon'ble Tribunal and it might be possible that few important points could not be highlighted before this Hon'ble Tribunal in O.A No.348(L) of 1990 in which this letter has been included as annexure.
- (4) That the Chief Commissioner of Income-tax, Lucknow is deliberately avoiding the supply of the letter to the counsel of the applicants.

P R A Y E R

Wherefore it is prayed to require the Chief Commissioner of Income-tax, Lucknow u/s 91 of G.P.C. to produce it to the counsel of the applicants before the next appointed date i.e. 9-5-91 for the sake of justice  
*Dated for hearing is fixed for 9-5-91*

*Place: Lucknow*

*Dated April, 16, 1991*

Counsel for the  
applicants.

*Byed Zafar Ali Kazmi*

M.A.L.L. M.A.L.L. H.G. 36

*Mata Sitar Begum, Mall Khan Sarai Crossing, L.P.*

To,

The Chief Commissioner  
of Income Tax, Lucknow.

Subject: Case No. O.A No. 401 of 1990 in  
case of Sri Shah fulhaq v/s Union  
of India & others.

Sir,

I am to state that the said case has been  
Registered in Central Administrative Tribunal Lucknow  
Bench viz case No. O-A No. 401 of 1990 and copy of the  
same has been served upon you through your standing  
counsel Sri. V.K.Chowdhry.

To Proceed with the case I shall be required  
certified copy of letter No. C-18012/28/90- V & L Date  
18.7.90 addressed to under Secretary Ad. VII of CBDT,  
New Delhi and copy to you, another letter of same no  
and date addressed to you and letter dated 7.3.90 sent  
by you to under Secretary Ad.- VII of CBDT, New Delhi  
you are therefore requested to supply me certified copy  
of the said letters at the earliest.

Thanking you in anticipation

Counsel for the Applica

( Syed Zafar Mehdi Kazim  
Advocate  
31/365, Hata Sitara B.  
Hardoi Road, Lucknow.

Lucknow  
Dt. 13.2.91



13-2-91  
13 FEB 1991

(X32)

In The Central Administrative Tribunal, Administrative Bx.  
Albad at Lucknow bench.

File No. 19/91/14,  
Ref: C.W. 401 of 1990 Dt. 7-12-1990

Fixed Faisson on 7-3-1991.

Expedition.

Shariful Haq, Assistant, C.C.T. Dept., Lucknow

...

Petitioner

versus

1. Union of India Chief Commissioner, Income Tax,  
Lucknow ... Respondants

Hon'ble Sir,

The cause applicant begs to submit for kind  
perusal as under

1. That the app filed a Mandamus Writ Petition in  
this Hon'bleal on 7-12-1990 with prayer that a  
writ of Mandamus be issued to the Chief Commissioner,  
Income Tax, W, to implement the directions of  
The Central Taxes, New Delhi, with reference to  
orders passed by the Central Tribunal in O.N No.125 of 1987 in  
case of Sri Nazmi, Tax Assistant are to be treated  
as Senior to for the purpose of his promotion to  
the post of Clerk.
2. That such application No.348 of 1990 has been  
admitted on the ground in this Tribunal in the last  
week of Nov 1990.
3. That the facts the applicant are similar, but  
unfortunate present application could not be  
admitted, b'coz the Bench did not sit on the earlier  
scheduled date 8-1-1991.
4. That the main admission is only involved at this  
stage. Thereby Registrar is not justified to  
fix such a date i.e 7-3-1991, while a similar

application has already been admitted.

5. That the applicant has only six or seven years to serve in the department.

P R A Y E R :

WHEREFORE, it is most respectfully prayed that the case may be admitted on this very date i.e 4-2-1991 and an interim order be kindly passed in view of the facts and circumstances stated in the foregoing paras, in the interest of justice.

Lucknow:

Dated : 4-2-1991

( S Y E D Z A F A R M E H N D I K A Z M I )

M.A. LL.B

Advocate

31/365 Mata Sitara Begum

Hardoi Road,

Lucknow.

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

C.A. NO. 401 of 1990 (Decided on 2.7.91)

Sharful Haq ;... Applicant

-versus-

Union of India and others ... Respondents

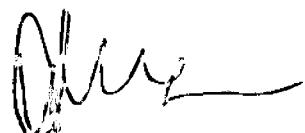
APPLICATION FOR TAKING ON RECORD OF DECISION OF HON'BLE SUPREME COURT.

The above named Respondents begs to submit as under:-

1. That the Department has held a review DPC on 16.8.1991 reviewing the DPCs of Head Clerks held subsequent to 26.8.1988 in the first order in the case of the applicants. Two DPCs for promotion to Head Clerks were held on 7.11.1988 and on 20/21.3.1990 (after the order of the Hon'ble CAT dated 26.8.1988).
2. That in pursuance of the Hon'ble CAT's order the review DPC has promoted Shri Sharful Haq, Tax Assistant as Head Clerk by giving him seniority as per the directives of the Hon'ble Tribunal.
3. That the inter-se seniority of Shri Kazmi and 4 others, applicants who were promoted between 20.11.88 to 3.8.90 has been revised by the Department vide order No.26 dated 16.8.1991. The seniority is purely provisional and subject to the outcome of the S.L.P and the stay application filed by the Department of Revenue before the Hon'ble Supreme Court of India against the directions of the CAT's order dated 9.5.1991 in C.A No.348 of 1990 (Shri SMR Kazmi and others -vs- Union of India and others). A photo-stat copy of the order No.25 is being annexed herewith

as Annexure no.1 to this application. Thus the Department has already complied with the decision of the Hon'ble CAT, Lucknow.

4. That the Department has already filed an SLP before the Hon'ble Supreme Court in S.A No.348 of 1990 within the stipulated time as such no further decision may kindly be taken against the Department pending final decision of the Hon'ble Supreme Court in the matter.



(VK Chaudhari)  
Addl. Standing Counsel for Central Govt.  
(Counsel for the Respondents)

Lucknow,

Dated: 28 Aug. 1991.

Annexure 1  
(A36)

Govt. of India  
Office of the Chief Commissioner of Incometax,  
Lucknow.

O R D E R

Dated: 16.08.1991

No. 25 In pursuance of Central Administrative Tribunal's, Lucknow Bench, Lucknow order dated 3.7.1991 in O.A. No. 401 of 1990 dated 3.7.1991 referring to their earlier decision dated 9.5.1991 in O.A. no. 348 of 1990 (In the case of Sri S.M.R.Kazmi & Others Vs. Union of India & Others) in the case of Shri Sharful Haq Vs. Union of India & others, Shri Sharful Haq, T.A. (Lucknow Charge) is hereby deemed to have been promoted and appointed as Head Clerk in the Scale of Rs. 1400-2300 with effect from 05.04.1990..

2. Shri Sharful Haq will not be entitled to any arrear of pay etc.

3. On promotion, Shri Sharful Haq's services are placed at the disposal of Commissioner of Incometax, Lucknow, who shall pass the necessary promotion order. Shri Sharful Haq shall be on probation for two years.

4. This promotion is purely provisional and subject to the outcome of the S.L.P. and stay application if any, filed by the Deptt. before the Hon'ble Supreme Court against the CAT, Lucknow Bench, Lucknow Order dated 3.7.1991 in O.A.No. 401 of 1990 and also the outcome of the S.L.P./Stay application filed by the Deptt. against the CAT, Lucknow Bench, Lucknow Order dated 9.5.1991 in the case of Shri S.M.R.Kazmi & Others Vs. Union of India & Others (O.A.No. 348 of 1990 )

In the event of stay application/S.L.P. being decided in favour of the Deptt. by the Hon'ble Supreme Court, status quo-ante would be restored and Shri Sharful Haq shall be reverted back to the post of T.A..

5. This Order is further subject to the final decision in the Writ petition No. 2504/1982 in the case of Shri B.N. Gupta Vs. Union of India & Others and Writ petition no. 12484/1984 in the case of Shri R.K. Srivastava Vs. Union of India & Others.

S-1

( A.C. MATHUR )  
Chief Commissioner of Incometax,  
Lucknow.

Contd.....2/-...

(R2)

Administrative Complainant for delivery of order, in course of a case filed on 26.6.81, before Hon'ble Justice R. C. Dikshit, Administrative Member, Bench, in regard to receipt of seal cover from Allahabad in name of I.C. above on July 15th 1991, in Lucknow.

To, The Hon'ble Vice Chairman  
Central Administrative Tribunal,  
Lucknow bench, Lucknow.

Sir,  
Sub:- Loss of implementation of order dated 3.7.91 up to July, 15th 1981, by Chief Commissioner (I.C.) of Income tax, Lucknow, Lucknow.

Post humbly it is submitted that on 3rd day of July 1981, in case of C. I. C. 401, of 1990 Sharful Haq vs. Union of India, the Union of India was appointed as Chief Commissioner, Lucknow, the Union of India, as

uncert:

The applicant has joined the Income tax department as direct recruitment in the year 1970 and was promoted as Tax Assistant w.e.f. 31.7.70 the applicant has prayer

that a writ of mandamus be issued to the Chief

Commissioner of Income in the case of the applicant

as he is living with a difficulty for filing complaint

without living with a difficulty for filing complaint

as he has also applied to be appointed as supervisor.

and Income tax Inspector has not been appointed as

supervisor and Income tax Inspector has not been appointed as supervisor.

... the Hon'ble Tax Commissioner No. 3000.

... the Hon'ble Tax Commissioner No. 3000.

contd-2

- 2 -

... Kazmi and others vs. Union of India, others (C. I. C. 348 of 1990) decided by this bench on 9.8.91. The bench observed as follows:-

1. We direct that the respondents shall give promotion to the applicants in accordance with rules along with as per the order of the Tribunal dated 26.8.88, referred to above notwithstanding the fact that there is any failure on their part to formulate the scheme. In case the applicants are found entitled, their appointment will take effect from that date and not from the date they are subsequently promoted.

Let compliance of this order be made within a period of two months and one week from today. As this order has been passed in the presence of the counsel and officials of the Income tax department, it is not necessary to say that the order is to be implemented from the date of receipt of copy of the same.

2. The case of the applicant in that of S. A. Kazmi and others is so much similar and accordingly this application is also allowed in the above very terms.

Member,

Sc.

Vice Chairman

Dated the 1.7. July, 1991

Attestation

True copy.

That the order in the said case has not been delivered till this date with the last date of compliance of order for the opposite party-the chief Commissioner of Income tax, Lucknow, was 15th July, 1991 and has not been complied with in absence of signature of Administrative Member from 3-7-91, till setting of the bench, at Lucknow. However the office of the said chief Commissioner has obtained signature of the said member on the said order <sup>in same</sup> ~~had received it~~ on 15.7.91 of I.C. under seal cover of Hon'ble Mr. C. I. C. Dikshit, Admin. Member.

(10)

in  
L.H. Lucknow has denied his <sup>ability</sup> to open the envelop  
by breaking the seal <sup>for applicant</sup> and <sup>order</sup> the counsel <sup>for applicant</sup> file  
suit, reply in/c/c no. 22/91, (L) ... Shukla versus  
order of am. 14 & others for grant of further extension  
of the period of time for purpose of implementation of the  
Court's order dated 3.7.91, to Chief Commissioner, Lucknow for  
the month unptated- 19.7.91 before Hon'ble Mr. ... Kumar  
U.C. and Hon'ble Mr. L.K. Patel Judicial Member, counsel  
also prayed for breaking seal no supplying the documents  
order copy dated- 3.7.91, the same was not favoured for  
supplying the said order copy with a direction to implement  
the applicant's order or his motion similarly as in case  
of Mr. ... Shukla, is dismissing the Chief Commissioner's  
and counsel's dated 19.7.91, on <sup>order</sup> <sup>supreme</sup>  
19.7.91. So that the delay of pronouncement of applicant  
<sup>Safe guarded and</sup> <sup>abst</sup>  
<sup>may be</sup> <sup>↓</sup> <sup>in</sup> <sup>lack of availability of the order</sup> favour  
in case of applicant. But it is infirmity of the citizen  
<sup>receive favour on</sup>  
that he could not get his favour of execution bench's  
order on date - 19.7.91, and thus further submitted  
this request for kind perusal of your lordship for favour  
of supply of the order with directions to the Chief  
Commissioner, Lucknow to implement 3.7.91, order similarly  
as implemented in case of <sup>Said order</sup> <sup>is</sup> <sup>order and failure to do so. The</sup>  
<sup>order may proceed further contempt's Proceedings against ops</sup>  
It would be relevant to mentioned here that I have  
been told that the order has sent from Allahabad to this  
bench under an sealed cover in the name of Hon'ble Justice Mr.  
U.C. Srivastava, then <sup>acting</sup> as V.C. of this bench, since  
the delay in delivery of order is causing damage to the  
interest of the applicant it is requested to get the  
order served immediately and swiftly.

Re

It may also be mentioned that the licent could not appear in the supplemental income-tax officer's examination of 1991, which is being held from 17.7.91, due to non-compliance of the said order and the a. licent is also reciting very soon after attesting the copy of his examination, as well as bearing irreparable loss due to lack of compliance of order dated 3.7.91, upto this date in favour of a. licent.

Therefore it is prayed that your Lordship viewed sympathetically and issue direction for supply of said order copy at once, with direction to the said officer to ~~implement~~ implement the order along with other affidavit saying the ~~reliability~~ ~~reliability~~ of a. licent's order dated 3.7.91.

Counsel for the a. licent

(H. M. 1991)

(S. A. 1991)

Lucknow.

Dated: 22.7.91

• A. L. (Advocato)  
31/365, Aata Sitar, Deewan  
Kabuli Lane, Lucknow.

RECEIVED ON 22.7.91

RECEIVED ON 22.7.91

RECEIVED ON 22.7.91