

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

R.P. No. 44/93

Original Application No. 125/92

Shri Bhaktadas Roy

... Applicant.

v/s.

Union of India and 14 others

... Respondents.

CORAM: Hon'ble Shri M.Y. Priolkar, Member (A)

Hon'ble Shri V.D. Deshmukh, Member (J)

Order on Review Petition by circulation

Dated: 5/7/93

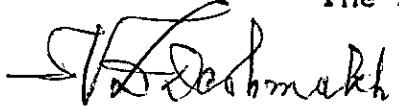
The applicant has filed the present review petition against the judgement and order dated 18.2.93 passed by us in OA 125/92. Both the sides had made elaborate submissions in the original application and after considering all the submissions the judgement was pronounced on 18.2.93. In the final order we directed the respondents to constitute a review D.P.C. It was further directed that the review D.P.C. shall consider the applicant according to law for promotion to the post of Chief Commissioner of Income Tax and shall take into consideration the confidential reports for the preceding 5 years but shall ignore the confidential remarks concerning the year 1988-89 and 1989-90. We directed that the confidential remarks for the above said years may be ignored in view of the detailed reasons given in the judgement.

The applicant by the review petition claims that the respondents be directed not to take into consideration the confidential remarks for the year 1986-87 and 1987-88 also. We have considered the case of the applicant as regards the ACRs for these years in our judgement. As regards the confidential remarks for 1986-87 we

found that although the reporting officer had ranked the applicant as very good, the reviewing officer who was the chairman of Central Board of Direct Taxes had found that the assessment of the reporting officer was too generous and the rank should have been good and not very good. We are of the considered opinion that if such power is not there in the Reviewing authority, the very purpose of review of the remarks put by the reporting officer would be defeated. We also found that neither the reporting officer nor the reviewing authority was the respondent No.5. against whom the applicant had alleged malice. After considering the reasons in this respect, we do not find that there is any substance in the contentions raised by the applicant in his review petition in this connection.

We had also considered from all aspects the contentions of the applicant regarding the confidential remarks for the year 1987-88 and rejected them. We do not find any justifiable reason to review the order in that respect also. It is not necessary to repeat the various reasons for which we found it not necessary to interfere with the remarks for the year 1987-88. While the original application was being argued the applicant and his counsel were fully aware of the various remarks and other relevant particulars in the ACR file and detailed submissions were made as regards the remarks for each and every relevant year. We do not find that there is any ground on which the review would be either necessary or permissible, and the review petition is liable to be dismissed.

The Review Petition is dismissed.


(V.D. DESHMUKH)
MEMBER(J)


(M.Y. PRIOLKAR)
MEMBER(A)