

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 19 JAN 1995

APPLICATION NO: 860 of 1994.

APPLICANTS:- Sri. S. V. Jagadeesha, Bangalore-54.  
V/S.

RESPONDENTS:- The Chief Commissioner of Income Tax,  
Bangalore and four others.

I.

- ① Dr. M. S. Nagaraja, Advocate,  
No. 11, 2nd Floor, 1st Cross,  
Sujatha Complex, Grandhinagar,  
Bangalore-560009.
- ② Sri. M. S. Padmarajiah,  
Sr. Central Govt. Secy. Counsel,  
High Court Bldg, Bangalore-1

Subject:- Forwarding of copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/  
~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above  
mentioned application(s) on 05-01-95.

copy issued on  
19/1/95

Gah for

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.860/1994

THURSDAY, THIS THE 5TH DAY OF JANUARY, 1995

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

Sri S.V. Jagadeesha,  
Aged 42 years,  
S/o Sri S.G. Visveswariah,  
45, ITI Layout, Mathikere Post,  
Bangalore - 560 054, ... Applicant

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Chief Commissioner of Income Tax,  
C.R. Building, Queens Road,  
Bangalore - 560 001.
2. The Dy. Commissioner of Income Tax,  
Range-2, Bangalore, C.R. Buildings,  
Queens Road, Bangalore - 560 001.
3. The Dy. Commissioner of Income Tax,  
Range-3, C.R. Buildings,  
Queens Road, Bangalore - 560 001.
4. The Chairman,  
Central Board of Direct Taxes,  
North Block, New Delhi - 110 001.
5. Union of India,  
represented by Secretary to Govt. of India,  
Dept. of Revenue, Ministry of Finance,  
North Block, New Delhi - 110 001. ... Respondents

(By Advocate Shri M.S. Padmarajaiah,  
Central Govt. Sr. Standing Counsel)

ORDER

I have heard Dr. M.S. Nagaraja for the applicant and  
Shri M.S. Padmarajaiah, the learned standing counsel for the  
respondents.

I direct admission of this application and proceed to  
dispose it off as follows:

3. The applicant's grievance is that he has been refused  
permission to cross the Efficiency Bar which he should have done



in the year 1988  
been permitted to  
made apparent from  
by the Chief Com  
what becomes obvi  
with effect from  
entry in the app  
holding his Inter

4. Dr. Na  
his client to get  
in vain because  
against him at wh  
therefore, conten  
aforesaid develop  
Efficiency Bar in  
pending departmen  
dropped the same

5. Be that  
finds itself disa  
1986-87 which is  
applicant has not  
year 1988 and the  
case having ended  
urged that the ap  
crossing Efficien  
entry of the year  
Counsel, no-doubt  
earlier occasion,  
failed because of

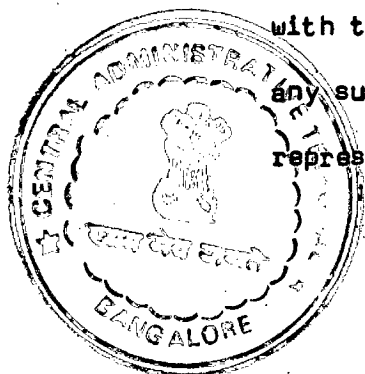
is seen from the proceedings that he has  
the Efficiency Bar in the year 1990 as  
endorsement at Annexure-A8, an order made  
her, Income Tax Department. From the order,  
that leave to cross the Efficiency Bar  
was made impermissible as there was an adverse  
confidential report for the year 1986-87,  
to be suspect and doubtful.

for the applicant says that efforts made by  
of that adverse entry way back in 1988 proved  
time, there was a criminal case pending  
was however acquitted subsequently. Counsel,  
at the department should have adverted to the  
and in consequence held him fit to cross the  
year 1988 itself, more so because of the  
quiry initiated against him had also been  
Annexure-A6.

may, what I must notice is that the department  
because of the adverse entry made in the year  
in the records. That is the reason why the  
allowed to cross the Efficiency Bar in the  
ion has not improved in spite of the criminal  
quittal subsequently. It has therefore been  
t cannot get any relief in the matter of  
in the year 1988 so long as the adverse  
87 continues to taint his confidential reports.  
my attention to the fact that on the  
ts made to get rid of the adverse entry had  
endency of the criminal proceedings. Whatever

be the reasons when the claim for expunging the adverse entry had been rejected on the earlier occasion, it is even now open to the applicant to bring to the notice of the authorities that as a result of the acquittal in the criminal case, the adverse entry for the year 1986-87 is liable to be expunged. I am sure the fact that an earlier application in that behalf having been rejected would not stand in the way of the applicant making a fresh application in the light of the subsequent development, viz., of his acquittal in the criminal case.

6. In that view of the matter, pointing out that it would be open to the applicant to make a fresh application seeking expungement of the adverse entry in the year 1986-87, I dismiss this application. If an application for expunging the adverse entry of the year 1986-87 is made within one month from the day of this order, the authorities will consider the same and dispose it off in accordance with law. Dr. Nagaraja says even such representation to be made is liable to be disposed off in accordance with the instructions laid down by the department. If there are any such instructions, the department will dispose off the representation in the light of the same. No costs.



TRUE COPY

*[Signature]*  
19/1/85

Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

psp.

Sd/-  
(P.K.SHYAMSUNDAR)  
VICE CHAIRMAN