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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 146/93

Transfer Application No: ---

DATE OF DECISION 15-10-93

Sharad Ganpatrao Vaidya Petitioner

Mr. M.A. Mahalle Advocate for the Petitioners

Versus

Chief Commissioner of Income Tax & Ors.  
Respondent

Mr. K.D. Kelkar  
Advocate for the Respondent(s)

CO-RAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman

The Hon'ble Shri ---

1. whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? ~
3. whether their Lordships ish to see the fair copy of the Judgement ?
4. whether it needs to be circulated to other Benches of the Tribunal ? ~

*M.S.D*  
(M.S.DESHPANDE)  
VC

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.146/93

Sharad Ganpatrao Vaidya,  
Prasad Colony,  
Jatharpeth, Akola. .. Applicant

-versus-

1. Chief Commissioner of  
Income Tax,  
Aayakar Bhavan,  
Sadhu Vaswani Chowk,  
Pune - 411 001.
2. Commissioner of Income Tax,  
Vidarbha, Aayakar Bhavan,  
Nagpur.
3. Deputy Commissioner of  
Income Tax, Akola Range,  
Akola.
4. Deputy Commissioner of Income Tax,  
Special Range-2, Saraf Chambers,  
Mount Road, Nagpur. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman.

Appearance:

1. Mr. M.A. Mahalle  
Advocate for the  
Applicant.
2. Mr. K.D. Kelkar  
Counsel for the  
Respondents.

ORAL JUDGMENT: Date: 15-10-93  
(Per M.S.Deshpande, V.C.)

It is apparent from the interim directions made as well as the material on record that though initially some adverse remarks were given by the Deputy Commissioner, he has by his communication dt. 4-8-92 informed the Commissioner of Income Tax, Ex. A-8, about his modified remarks and they show that they were entered as "satisfactory" in all columns i.e. 12 to 15 and 18. But Chief Commissioner of Income Tax while passing the impugned order

dt. 27-1-93 had not taken these modified remarks into consideration. The impugned order passed by Chief Commissioner of Income Tax is therefore set aside and the Chief Commissioner of Income Tax is directed to consider the representation of the applicant in the light of letter dt.

4-8-92 sent by Deputy Commissioner of Income Tax within two months from the date of communication of this order.

2. Mr. Mahalle states that on the basis of original remarks made by the Deputy Commissioner and the rejection of representation by the Chief Commissioner of Income Tax the applicant's promotion was not approved by the DPC in the year 1993. It is further directed that a review DPC be held and that DPC would take into consideration the remarks which would pass hereafter by the Chief Commissioner of Income Tax while considering the case of the applicant for promotion.

3. With this direction the application is disposed of. All MPs also stands disposed of.

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(M.S.DESHPANDE)  
VC