

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A.No.740 OF 1997.

DATE OF ORDER:3-2-1999.

BETWEEN:

E.Manohar Muni.

.... Applicant

a n d

1. Director of Inspection(Income Tax),  
ARA Centre, Ground Floor, E-2,  
Jhandewalan Extension,  
New Delhi-110 055.
2. Chief Commissioner of Income Tax,  
Andhra Pradesh, Aayakar Bhavan,  
Basheerbagh, Hyderabad.
3. Secretary, Central Board of Direct  
Taxes, North Block, New Delhi.

..... Respondents

COUNSEL FOR THE APPLICANT :: Mr.GVRS.Vara Prasad

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A) )

Heard Mr.GVRS.Vara Prasad, learned Counsel for  
the Applicant and Mr.B.Narasimha Sharma, learned  
Standing Counsel for the Respondents.

*R*

.....2

*N*

2. This OA is filed for the following reliefs:-
- i) To declare Rule-4 of the Departmental Examinations Rules for ITOs-1994 including the note thereunder as illegal and arbitrary;
  - ii) Subsequently, to declare the Memorandum dated: 29-5-1997 in CR A/c No.DE/Misc./1997 of the second respondent as illegal, arbitrary and set aside the same;
  - iii) Consequently to direct the respondents that the applicant should be permitted to avail chances till he attains 55 years of age;

Or any other in the alternative to declare the letter dated:9-6-1994 of the first respondent to the extent of stipulating that the three more chances allowed should be availed in the three callender years viz., 1994, 1995 and 1996, as illegal and arbitrary and to consequently declare the memorandum dated:29-5-1997 in CR A/C No.DE/Misc./97 as illegal and arbitrary and direct the respondents to permit the applicant to appear for the Departmental Examination for ITOs in June,1997.

3. The MA.No.732 of 1998 was filed in this OA which was disposed of on 15-9-1998. It is stated in that MA that the applicant wrote the examination for Income Tax Officers in 1997 and 1998 in view of the Interim Orders of this Tribunal. The results of both these examinations were not announced. In that MA, the applicant requested for release of the results of the examination so far he is concerned for 1997 and 1998 examination.

*Jr*

.....2

*2*

4. The above was examined and the following remarks are made:-

- i) Appearing for the year 1997 examination, certain questions were raised in regard to eligibility of the applicant. That question is yet to be examined. In case the applicant did not come out successful in 1997 examination, it is unnecessary to pass orders in Original Application. On the questions raised therein this OA need to be considered only if the applicant is successful in 1997 examination. If he is not successful those issues can be kept open and be taken up as and when need arises in future;
- ii) In the year 1998 the applicant submits that similarly situated persons like him were also allowed to sit for the examination and their results of that examination were yet to be announced. In view of the above, the respondents are permitted to announce the result of the applicant also if the result of similarly situated persons who appeared for the 1998 examinations are announced;
- iii) The Counsel for the respondents should intimate the Bench the result of 1997 examination by a letter "For being Mentioned".

5. It is stated that the applicant had passed the 1998 examination. Hence, the respondents produced the 1997 examination results so far the applicant is concerned today in a sealed cover signed by one Sri V.K.Sehgal, Additional Director of Income Tax(Exam),

New Delhi. It is noted in that statement as follows:-

Note: As the candidate has not secured minimum qualifying marks of 60%, he has not fully passed the examination.

It is also seen that he had secured only 58.6% of marks. The results of the examination as per the Standing Instructions for the 1997 examination should be informed to the applicant.

6. As stated in the MA <sup>docket</sup> ~~that~~, in case the applicant do not come out successful in the 1997 examination, it is unnecessary to pass Orders in the Original application i.e., in OA.No.740 of 1997 and the questions raised therein in the OA is to be kept open for consideration at a future date as and when such occasions<sup>s</sup> for considering those legal points arise in future.

7. As the applicant failed to obtain the minimum qualifying marks in the 1997 examination, no further direction is necessary in this OA.

8. Hence, the OA is dismissed, but the legal questions involved in this OA is kept open for consideration in future as and when occasion arise. No costs.

The result sheet shown to us is returned back in a Sealed Cover.



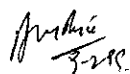
( B.S. JAI PARAMESHWAR )  
MEMBER (JUDL)  
3/2/99



( R. RANGARAJAN )  
MEMBER (ADMN)

DATED: this the 3rd day of February, 1999  
Dictated to steno in the Open Court

\*\*\*  
DSN



Copy to:

1. HDHND
2. HHRP M(A)
3. HDSOP M(J)
4. D.R. (A)
5. SPARE

*12/2/99*  
Ist and IInd Court.

Typed By  
Compared by

Checked by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH:HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:  
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD  
MEMBER (A)

THE HON'BLE R. RANGARAJAN  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESHWAR:  
MEMBER (J)

DATED: 3.2.99

ORDER/JUDGMENT

M.A./R.A/C.P.NO.

IN

O.A.NO : 0A740/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

*Seen (7) Comen*

