

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 22.04.2002

OA No. 643/94

Mohan Lal Sharma son of Shri Durga Sahai Sharma aged about 51 years resident of F-30, Major Shaitan Singh Colony, Shastri Nagar, Jaipur at present Income Tax Officer, Alwar (Rajasthan).

....Applicant.

VERSUS

1. The Union of India through its Principal Secretary, Ministry of Finance, New Delhi.
2. The Central Board of Direct Taxes, New Delhi through its Secretary.
3. The Commissioner of Income Tax, Jaipur.
4. Shri J.P. Gupta, Income Tax Officer through Chief Commissioner, Income Tax, Jaipur.

....Respondents.

Mr. Mahendra Shah, Counsel for the applicant.

Mr. N.K. Jain, Counsel for the respondents.

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Hon'ble Mr. A.P. Nagrath, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. A.P. NAGRATH, MEMBER (ADMINISTRATIVE)


Earlier the Applicant had filed TA Nos. 3/92 & 4/92 and OA No. 1090/92. These were disposed of with the direction to the Central Board for Direct Taxes to decide the matter



of dispute of seniority in respect of the applicant and the respondent, Shri J.P. Gupta. We find from the order dated 9.8.2001 that the learned counsel for the respondents was directed to produce the copy of the order dated 5.8.94, which was stated to be communication from the Under Secretary to the Government of India to the Chief Commissioner of Income Tax, Jaipur regarding the decision taken by the Government in the matter. On 1.2.2002, when the matter was taken up again, learned counsel for the respondents, Mr. N.K. Jain, submitted that record called for by the Tribunal could not be made available. Further time was granted to make available the same record for our perusal.

2. On date, it was informed by the learned counsel Mr. N.K. Jain for the respondents that Record dealing with the representation of the applicant, (which is filed as Annexure A/9), is not traceable and thus could not be produced before us today. The learned counsel, however, stated that in case the applicant submits another representation, the department shall take into account the contentions made by the applicant in his representation and dispose of the matter. Learned counsel for the applicant agrees that this OA can be disposed of in these terms.

3. In view of the submissions made by both the parties, we direct that the applicant shall submit another copy of his representation to the appropriate authority, respondent No. 2. Respondent No. 2 shall take into consideration all the contentions raised by the applicant in his representation and decide the same by passing a reasoned and speaking order within a period of three months from the date of receipt of the representation by the Department. A copy of the decision shall be communicated to the applicant within a period of one month thereafter. If the applicant is still aggrieved with the decision, he is at liberty to agitate the matter before the appropriate forum, if so advised. This OA is finally



disposed of with these directions. No costs.

J.K. Kaushik
(J.K. KAUSHIK)
MEMBER (J)

A.P. Nagrath
(A.P. NAGRATH)
MEMBER (A)

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