

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
OA 17/2002 DATE OF ORDER: 17.2.2003

Giriraj Krishna Sharma son of Shri Ramesh Chand Sharma aged about 34 years, resident of E-16, Bank Colony, Ambabadi, Jaipur working as Inspector, Office of Jt. Commissioner of Income Tax, Range-2, Jaipur.

.... Applicant.

VERSUS

The Union of India through the Chief Commissioner of Income Tax Rajasthan, Jaipur.

.... Respondents

Mr. Anupam Agarwal, Counsel for the applicant.

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

CORAM:

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

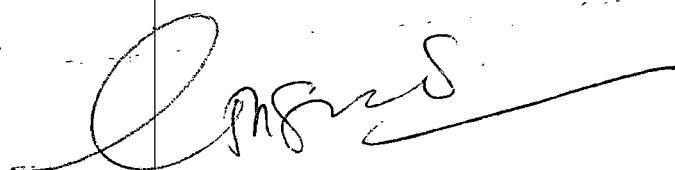
Hon'ble Mr. H.O. Gupta, Member (Administrative)

ORDER

PER MR. JUSTICE G.L. GUPTA

The applicant in the OA says that in the DPC Meeting held on 18.6.2001 for promotion to the post of Income Tax Officer, he was considered but recommendation in respect of him was kept in sealed cover due to pending of a Criminal case. It is prayed that the respondents be directed to review the matter of promotion of the applicant.

2. In the reply, the respondents have come with the case that as & when the applicant shall be acquitted of the Criminal charge, his case shall be reviewed.



3. The applicant has now filed an Affadavit dated 16.1.2003, stating that he has been acquitted of the Criminal charge vide judgement dated 29.11.2002 rendered by the Criminal Court.

4. The learned counsel for the applicant says that in view of the acquittal of the applicant, the respondents be directed to review the matter of the applicant.

5. The learned counsel for the respondents says that the department will take necessary steps. He also says that it will be subject to the departmental proceedings, if pending against the applicant.

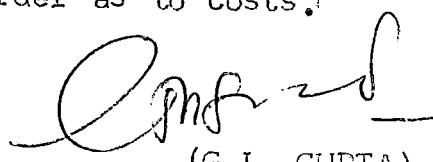
6. The Court is not required to express its opinion on the action that may be taken by the respondents in the disciplinary proceedings, if they are pending against the applicant as on date.

7. In any case, in view of the facts stated in the reply, it is a fit case in which the respondents are directed to review the case of the applicant because of his acquittal by the Criminal Court.

8. Consequently, the respondents are directed to review the case of the applicant within a period of two months from the date of communication of this order and pass an appropriate order.

9. The OA stands disposed of. No order as to costs.


(H.O. GUPTA)
MEMBER (A)


(G.L. GUPTA)
VICE CHAIRMAN