

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 30.10.2015

OA No. 291/00659/2015 with MA No. 291/00386/2015

Mr. Amit Mathur, counsel for applicant.

The Original Application is filed seeking direction directing the respondents to pass an order promoting the applicant in the grade of Commissioner of Income Tax in pay scale of Rs. 18400-500-22400 or equivalent revised grade with effect from 28.08.2007 and for consequential reliefs.

It is submitted that the applicant should have been promoted in the grade of Commissioner of Income Tax immediately after his exoneration from the departmental enquiry when the order dated 17.01.2008 was passed to drop the charges against him and sealed cover should have been opened in time. It is submitted that the moment charges against the applicant were dropped, the impediment against the applicant for promotion stood removed and the cloud against the applicant dispelled. Hence, the applicant should have been promoted immediately after exoneration.

The applicant submitted representations namely Annexure A/5, A/6, A/7 and A/8. The last representation submitted by the applicant is dated 18.12.2014 (Annexure A/8). Therefore, we are of the opinion that it is for the respondent no. 2 to consider the grievances of the applicant and pass appropriate orders.

In view of the pendency of the representations, we consider it proper not to go into the merits of the contentions raised in the O.A. but to direct the respondent no. 2 to consider and pass appropriate orders on the representations of the applicant.

The Original Application is, therefore, disposed of directing the respondent no. 2 to consider and pass a reasoned and speaking order on the Annexure A/8 representation of the applicant dated 18.12.2014 within a period of three months from the date of receipt of a copy of this order. The applicant shall furnish a complete copy of paper book/OA along with a copy of this order to the respondent no. 2 within a period of 15 days from today.

In view of the limited relief granted, the Original Application is disposed of without issuing notice to the respondents. In view of this, the Misc. Application for condonation of delay is disposed of.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER


(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER