

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 144 of 2003

Misc. Application No. 1324 of 2002 (previously  
filed as CCP No. 38 of 2001)

Jabalpur, this the 5th day of November, 2003

Hon'ble Shri Sarweshwar Jha, Administrative Member

Hon'ble Shri G. Shanthappa, Judicial Member

1. Original Application No. 144 of 2003 -

Rafiq-Ul Ghani, S/o. late,  
Shri Hafiz-Ul-Ghani, aged about  
70 years, P/o. HIG-32, Old  
Subhash Nagar, Bhopal.

... Applicant

(By Advocate - Shri S.K. Pathak)

V e r s u s

1. Union of India, through  
the Secretary, Ministry of  
Finance, Deptt. of Revenue,  
North Block, New Delhi.

2. The Chairman, CBDT, North Block,  
New Delhi.

3. Chief Commissioner of Income  
Tax, Aykar Bhawan, Hoshangabad  
Road, Bhopal (M.P.).

... Respondents

(By Advocate - None)

2. Misc. Application No. 1324 of 2002 -

Rafiq-Ul-Ghani, S/o. late  
Shri Hafiz-Ul-Ghani.

... Applicant

(By Advocate - Shri S.K. Pathak)

V e r s u s

Union of India, through  
A. Balasubramaniam Chairma,  
Secretary, Ministry of Finance  
Deptt. of Revenue, Govt. of India,  
North Block, New Delhi-110 001,

and two others.

... Respondents

(By Advocate - None)

O R D E R (Oral)

By Sarweshwar Jha, Admny. Member -

The applicant has approached this Tribunal with this OA  
being aggrieved by the action of the respondents in not  
granting him all the consequential benefits including the

*Sarweshwar Jha*

pensionary benefits as per directions of the Tribunal given in OA No. 431/1991 on 19.06.1996 till date. It is observed that the applicant had also filed a representation to the respondents in the year 2000 vide Annexure A-3 and the same does not seem to have been responded to till date.

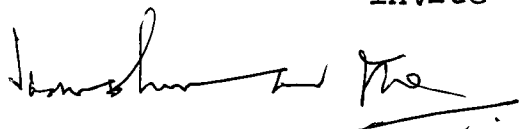
2. It is further observed that the respondents instead of complying with the orders of the Tribunal in the said OA, filed two review applications against the orders, but both were dismissed by the Tribunal. This led to the applicant filing a CCP bearing No. 38/2001, which was subsequently converted into MA No. 1324/2002. While the MA was heard on 30.09.2003 together with this OA, it has been observed that the respondents had not filed their reply in the OA and that they were directed to file their reply by way of last chance and that in the event of their failure to file their reply the matter would be heard and decided on merit. It is observed that the respondents have not filed their reply till date nor have they cared to be present today.

3. On perusal of the material on record, we find that the applicant, who joined the respondents' Department as a UDC on 09.01.1956 and who was subsequently promoted as Head Clerk in 1964 and as Income Tax Inspector on 18.12.1968 and still further as Income Tax Officer in 1968, passed the departmental examination for ITO in the year 1960 itself. But he was not granted promotion as per his entitlement. He has given description of time bound promotion which he should have been given in various years. This exercise appears to have been made purely in hypothetical terms. He has submitted that instead of following the said schedule of promotions he was given promotion to ITO Group-B

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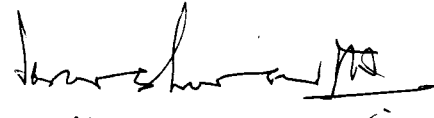
only in the year 1984, though he claims that his ACRs were satisfactory. To make the matter worse he was prematurely retired vide orders of the respondents dated 05.12.1986, which he challenged by filing OA No. 308/1988 in which the respondents were directed by the Tribunal to allow him to join in the post of ITO Group-B forthwith. It appears that the respondents filed MA No. 98/1989 and the same is reported to have dismissed with a direction to the respondents to give joining to the applicant on or before 01.09.1989. It is not clear from the submissions of the applicant as to why the respondents reverted him to the post of Income Tax Inspector on 07.02.1990 inspite of the above directions. He approached the Tribunal again vide OA No. 431/1991 which was allowed on 19.06.1996 and in which the review petition also filed by the respondents were dismissed, as mentioned above.

4. It is needless to mention that all aspects of the matter have already been examined by the Tribunal while deciding the OA No. 431/1991 and detailed directions have been given to the respondents. It is amazing that the respondents have not cared to file their reply in the matter so far, apprising the Tribunal of the factual position with reference to the issues raised by the applicant in the instant OA. In the process, the respondents have also not facilitated the process of apprising the Tribunal of the action which they have taken in compliance of the orders of the Tribunal given in OA No. 431/1991 against which the applicant had brought a CCP No. 38/2001 which subsequently got converted into MA No. 1324/2002. As a matter of noncompliance of the orders of the Tribunal given in OA No. 431/1991 might invite action being taken against the respondents under



Contempt of Courts Act, 1971 and which may entail initiating contempt proceedings against them, While disposing of this OA under Rule 16 of the CAT (Procedure) Rules, 1987, we direct the respondents to consider this OA in the light of the directions given already by this Tribunal while deciding the OA No. 431/1991 by issuing a speaking order as per law within a period of three months from the date of receipt of this order. With this, this Original Application and Misc. Application stands disposed of in terms of the above directions. No order as to costs.

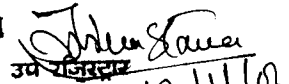
  
(G. Shanthappa)  
Judicial Member

  
(Sarveshwar Jha)  
Administrative Member

"SA" संकेतन सं ओ/न्या.....जयलपुर, दि.....

प्रतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन जयलपुर
- (2) आदेशिका श्री/श्रीमती/शु.....के कार्यालय SK Pathak, Adv.
- (3) प्रसिद्धी श्री/श्रीमती/शु.....के कार्यालय B. Dariva, Adv.
- (4) वरिष्ठपाल, के.प.अ., जयलपुर न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु

  
उप-निर्देशक 12/11/03

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