

**Central Administrative Tribunal
Principal Bench**

**C.P. No. 509/2016
O.A. No. 2218/2013**

New Delhi this the 23rd day of January, 2017

**Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Raj Vir Sharma, Member (J)**

- (i) Raj Bahadur, S/o Late Sh. Ram Swaroop
Aged about 65 years
Retired Income Tax Officer
R/o K-3311, Shastri Nagar Meerut-250004(Uttar Pradesh)
....Applicants

(By Advocate: Applicant in person)

Vs.

- (a) 1. Sh. Atulesh Jindal and
2. Miss Rani S. Nair
....Chairman/Chairperson

Central Board of Direct Taxes, Ministry of Finance
Department of Revenue, North Block
New Delhi-110001.

- (b) Miss. Nishi Singh
Member(P&V), Central Board of Direct Taxes
Ministry of Finance, Department of Revenue
North Block, New Delhi-110001.

....Respondents

(By Advocate: Mr. R.N. Singh)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This CP has been filed for alleged disobedience of the order of this Tribunal dated 17.12.2015, the operative part of which reads as follows:-

18. In totality of the facts and circumstances of the case, we are of the view that review DPC has erred in examination of applicant's claim for promotion to the post of ITO from the year 1990. As per the decision of the Hon'ble Supreme Court in Badri Nath Pandey (supra) and in view of clear directives of the Hon'ble High Court that the DPC should consider the case of the applicant only in view of the altered status of the ACRs, we find that the consideration of the DPC in its meeting held on 22.12.2010 is bad in law. We, therefore, allow the instant OA and direct the respondents to convene another

review DPC whereby the case of the applicant for promotion to the post of ITO for 1990 & 1992 be considered as if there were no offending ACRs for the years 1985-86 and 1986-87 having been deleted from the date they were recorded and the same cannot treated to be deleted from the date of the order of deletion. The respondents are further directed to complete the exercise, as ordained above, within a period of three months from the date of production of certified copy of this order."

2. In compliance thereof, the respondents have filed an affidavit on 18.12.2016 along with which they have attached a copy of their order dated 11.11.2016 by which promotion of the applicant as I.T.O, Group 'B' has been approved w.e.f. 28.03.1990 . Learned counsel for the respondents argued that with the passing of the aforesaid order, the Tribunal's order has been fully complied with. The petitioner, who is present in the Court, however, stated that he was entitled to the consequential benefits of further promotion to higher posts, as a result of being promoted with retrospective effect. On instructions, learned counsel for the respondents stated that the respondents are taking action on the same and shall be considering the applicant for promotion to higher posts as well in due course. Learned counsel for the respondents has also handed over a copy of the letter dated 19.01.2017 in the open Court.

3. We have considered the aforesaid submissions. We find that our directions in order dated 17.12.2015 were only to consider the applicant for promotion as ITO which has been granted. Therefore, we are satisfied that our order has been complied with.

4. Accordingly, this C.P. is closed. Notices issued to the alleged contemnors are discharged.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

