

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

12/07/2019

O.A./260/357/2019

M.A./260/437/2019

ASIT KUMAR MOHAPATRA

-V/S-

CENTRAL BOARD OF DIRECT TAXES

ITEM NO:39

FOR APPLICANTS(S) Adv. : Mr. J.M. Patnaik

FOR RESPONDENTS(S) Adv.: Mr. S.B. Mohanty

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and respondents.</p> <p>Applicant's counsel submitted that he has filed M.A. No.437/19 praying for keeping one post of Member(Accounts) in ITAT, vacant till final decision on this O.A. He further prayed that in another O.A. No.1841/19 filed before the Principal Bench in the similar circumstances, the PB has passed an interim order on 21.06.2019 directing the respondents to consider the name of the applicant in the list of candidates to be interviewed, in case, he fulfills other conditions, ignoring the fact that his ACRs were received after the due date. The copy of the order dated 21.06.19 of PB passed in O.A. No.1841/19 filed by applicants's counsel is taken on record. It is submitted that similar order to be passed in this case as the applicant is similarly situated as the applicant in O.A No. 1841/19 before the Principal Bench. He further submitted that this O.A. be disposed of accordingly.</p> <p>Respondents' counsel objected to the same and drew the attention of this Tribunal to Clause 4 of</p>

the Notification dated 27.07.19 (Annexure-A/3) in support of his submission that the authorities reserve the right to short list the candidates. He further submitted that the interview in question has already been over.

In the above circumstances, if the interview in question has not been completed as on date, pending receipt of ACRs by the concerned authorities, it is directed that the respondents to consider feasibility of including the name of the applicant in the list of candidates to be interviewed in case he fulfills other eligibility conditions, ignoring the fact of delayed receipt of his ACR by considering the representation dated 18.05.19 (Annexure-A/5) of the applicant within one week of receipt of copy of this order. M.A. No.437/14 is disposed of accordingly.

In case the applicant has any grievance with the decision of the authorities, he will be at liberty to approach this Tribunal and with these directions the O.A is disposed of at this stage. It is clarified that no opinion on merit of the case has been expressed by this Tribunal while passing this order. No cost.

Urgent copy of this order to Ld. Counsels for both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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