

(1)
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2667/2003

Friday, this the 7th day of November, 2003

Hon'ble Shri Justice V.S. Aggarwall, Chairman
Hon'ble Shri S. A. Singh, Member (A)

S.H. Bagga
s/o Sh. Sakhir Chand
1/6 A.T. Chander Nagar, Janakpuri
New Delhi -58

.....Applicant
(By Advocate: Shri D.R.Gupta)

Versus

Union of India
through

1. Chairman
Central Board of Direct Taxes
North Block, Central Secretariat
New Delhi -1
2. Chief Commissioner of Income Tax (Admin)
Delhi -1, 3rd Floor, Central Revenue Building
IP Estate, New Delhi -2

.....Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwall:

The applicant was placed under deemed suspension on the ground of his being in judicial custody for more than forty eight hours in a criminal matter relating to submission of forged documents by one Mohammad Ilyas. This was on 20.8.1993. The charge-sheet had been filed against the applicant on 31.5.1994. In that matter, till date, we are informed that the Court of competent jurisdiction has not framed a formal charge against the applicant. He was reinstated on 10.1.2003.

2. Applicant's learned counsel contends that the applicant is superannuating on 30.4.2004. Because of the above-said facts, the applicant is being even ignored with respect to the promotions that were due.

3. By virtue of the present application, the applicant seeks a direction to the respondents to consider his case for ad hoc promotion to the post of ITO - Group B.

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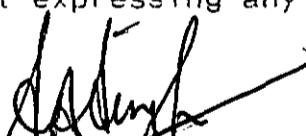
(2)

4. At this stage, keeping in view the above-said facts that criminal proceedings are pending against the applicant, it will not be proper to issue any such direction claimed which we have referred to in the preceding paragraphs. However, at this stage, a lesser relief can be granted because the applicant is superannuating on 30.4.2004. The applicant in this regard has submitted a representation dated 2.6.2003, copy of which is Annexure A-2.

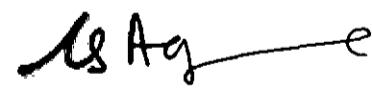
5. When rights of the respondents are not likely to be affected, we deem it unnecessary to issue a show cause notice while disposing of the present petition.

6. It is directed that respondent No.2 should consider the representation dated 2.6.2003 of the applicant and pass an appropriate speaking order preferably within two months from the date of receipt of a certified copy of the present order and communicate to the applicant.

7. Subject to aforesaid, OA is disposed of. However, by way of abundant caution, we make it clear that we are not expressing anything on the merits of the matter.



(S.A. Singh)
Member (A)



(V.S. Aggarwal)
Chairman

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