

**Central Administrative Tribunal
Principal Bench**

**CP No.538/2019
in
OA No.3560/2019**



New Delhi, this the 17th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Capt. Pramod Kumar Bajaj,
Aged about 59 years,
S/o Late Sh. P.D. Bajaj,
R/o 222, M.G. Road Dilkusha,
Lucknow.

(In person)

...Applicant

Versus

Shri Pramod Chandra Mody,
Chairman, CBDT,
North Block, New Delhi-110001.

...Respondent

(By Advocates : Shri Hanu Bhaskar and Shri Aman Malik)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant is an IRS officer of 1990 batch. It is stated that he was selected by the Screening Committee for appointment as Member, Income Tax Appellate Tribunal (ITAT). Further action on that needed the vigilance clearance from the Department. However, at the



relevant point of time, the name of the applicant was included in the Agreed List (AL) dated 18.04.2018. That resulted in denial of vigilance clearance to him. Therefore, he filed OA No.279/2018, before the Lucknow Bench of the Tribunal, challenging the inclusion of his name in the AL. That OA was allowed along with OA No.137/2018 and inclusion of the name of the applicant was quashed. This contempt case is filed alleging that the respondents did not carry out the directive issued by the Tribunal in OA No.279/2018.

2. Respondents filed compliance affidavit as well as the counter affidavit. It is stated that the name of the applicant stood quashed from the AL dated 18.04.2018, and even otherwise, the list lapsed on 18.04.2019. They however, state that the name of the applicant was not included in the subsequent list.

3. We heard the applicant who argued the case in person and Shri Hanu Bhaskar, learned counsel for respondents.



4. The OA was filed, feeling aggrieved by the inclusion of the name of the applicant in the AL. Once the OA was allowed and the inclusion was quashed, virtually nothing more was to flow from the respondents. Even otherwise, it is stated that the respondents have forwarded the vigilance clearance of the applicant immediately on 02.09.2019. The question as to whether it was a proper compliance regarding vigilance clearance, is a different issue.

5. In the context of deletion of the name of the applicant from the AL, it cannot be said that there was deliberate contempt on the part of the respondents. The order quashing the inclusion is self operative and at any rate, there is nothing on record to disclose that the respondents did anything, contrary to the letter and spirit of the order passed in the OA No.279/2018.

6. We, therefore, close the CP. There shall be no orders as to costs.

(Aradhana Johri) (Justice L. Narasimha Reddy)
Member (A) Chairman

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