IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAISWAMY

W.P. No.24131 of 2017
and W.M.P.No.25485 of 2017

1.The Union of India,
rep. by Chairman,
Central Board of Direct Taxes,
North Block, New Delhi.

2.The Union of India,
rep. by its Revenue Secretary,
Department of Revenue,
Ministry of Finance,
New Delhi. .. Petitioners

vs

1.The Central Administrative Tribunal,
rep. by its Registrar,
High Court Building,
City Civil Court Complex,
Chennai.

2.K.K.Arumugam .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ Certiorari calling for the records of the first respondent viz., the Central Administrative Tribunal, Chennai Bench in O.A.No.1760 of 2015, dated 10.01.2017 and quash the same.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.G.Ramanujam
for 2nd respondent

R1 - Tribunal

ORDER

(Order of the Court made by The Hon'ble Chief Justice)

The petitioners - Union of India have preferred this petition against the order passed by the Central Administrative Tribunal, Chennai Bench, dated 10.01.2017 in O.A.No.1760 of 2015 preferred by the second respondent.

2. O.A.No.1760 of 2015 had been preferred by the second respondent in relation to the effective date of promotion. The said O.A. came to be allowed with a direction to the present petitioners to once again reconsider the case of the applicant therein i.e., the present second respondent for adhoc promotion to the post of Chief Commissioner of Income Tax (CCIT) and pass appropriate orders within a period of three months from the date of receipt of a copy of the order.

3. Thus, from the order of the Central Administrative Tribunal, Chennai Bench, it is seen that no positive direction has been issued to the present petitioners and they have only been directed to reconsider the case of the present second respondent. In view of these facts, we find no case is made out for interference.

4. As there is only a direction to reconsider the case of the present second respondent, it is open to the petitioners to decide the case of the second respondent independently in accordance with law.

5. The writ petition is disposed of in terms aforesaid. No costs. Consequently, W.M.P.No.25485 of 2017 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
Central Board of Direct Taxes,
North Block, New Delhi.

2.The Revenue Secretary,
Department of Revenue,
Ministry of Finance,
New Delhi.

3.The Registrar,
Central Administrative Tribunal,
High Court Building,
City Civil Court Complex,
Chennai.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.57379

+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No.57751

W.P.No.24131 of 2017

GSP(03/08/2018)