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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1832/2023
OM PRAKASH GOND
-VS-
UNION OF INDIA, SERVICE THROUGH THE CHAIRMAN CENTRAL BOARD OF DIRECT TAXES(CBDT) AND ORS

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 2nd January, 2024.

Appearance :
Mr. S. Mukherjee, Adv.; Mr. A. Khan, Adv.

Mr. O.N. Rai, Adv.

The Court: 1. The petitioner is a permanent employee of the Income Tax Department. He claims that the DOPT has wrongfully withheld clearance for his promotion. The ground for withholding the same is a complaint by the petitioner's wife under section 498A of the IPC.

2. Counsel for the Income Tax Authorities submits that not only has an FIR been registered but the chargesheet has also been filed.

3. This court is of the view that the service matters relating to persons holding "Civil Posts" under the Central Government are required to approach the Central Administrative Tribunal constituted under the Administrative Tribunals' Act, 1985 in terms of dicta of the Supreme Court under paragraph 99 of the decision in the case of **L. Chandra Kumar –vs- Union of India** reported in **(1997) 3 SCC 261.** Hence the writ petition is not entertained and dismissed, reserving rights to the petitioner to

approach the Central Administrative Tribunal with an appropriate application relating to the subject matter of the writ petition in accordance with law.

4. If approached, the Tribunal shall proceed to determine the matter being uninfluenced by any observation made in the order.

5. Since the respondents have not been called upon to use any affidavit, none of the allegations contained in the writ petition shall be deemed to have been admitted by them.

6. With the above directions the writ petition stands disposed of.

(RAJASEKHAR MANTHA, J.)

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