

2

Central Administrative Tribunal, Principal Bench

Original Application No.2185 of 2002

New Delhi, this the 20th day of August, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri Abdul Sattar  
Deputy Director of Income Tax  
Directorate of I.T. and Audit  
E-2, ARA Centre,  
Jhandewalan, New Delhi

.... Applicant

(By Advocate: Shri K.K. Patel)

Versus

Union of India through -

1. The Secretary  
Department of Revenue  
North Block, New Delhi
2. The Chairman  
Department of Revenue  
Central Board of Direct Taxes  
North Block, New Delhi

.... Respondents

O R D E R (ORAL)


By Mr. S.A.T. Rizvi, Member (A)

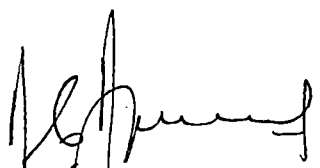
Applicant who is a promotee Income Tax Officer, rose to become <sup>2<sup>nd</sup></sup> Deputy Commissioner (Income Tax) in December, 1995. Having rendered five years of service in the grade of Deputy Commissioner, he has become eligible <sup>for promotion</sup> to the next higher post of Joint Commissioner from December, 2000 onwards. Almost 300 vacancies have arisen in the post of Joint Commissioner from the year 2001 onwards. These are yet to be filled <sup>up</sup>. The last DPC was held in February, 2001 and, going by the DOP&T's instructions on the subject of holding DPC meetings, according to the learned counsel, yet another DPC should have been held within the next one year after February, 2001. Apart from the DOP&T's instructions, the Supreme Court has in Union of India & ors. vs. N.R. Banerjee & ors., 1997 (1) SLR 751

3

ruled that <sup>2 select 2</sup> panels should be kept ready in advance in order to ensure that promotions to higher posts are made in a timely fashion. The present applicant, worried on account of delay in holding of the DPC meeting, has already filed a detailed representation in the matter on 18.7.2002 (Annexure P-5). There has been no response to the same. The applicant is going to retire on reaching the age of superannuation in September, 2002. Under the circumstances, the learned counsel appearing on his behalf seeks a direction to the respondents to consider holding a DPC meeting for considering the claim of the applicant and those similarly placed.

2. Having regard to the submissions made by the learned counsel, we find it just and proper to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representation filed by the applicant and hold a DPC meeting for considering his claim <sup>of 2</sup> for promotion and other similarly placed persons in their organisation, as expeditiously as possible and subject to the instructions on the subject, in any case, within a period of three months from the date of receipt of a copy of this order. We direct accordingly. O.A. is disposed of in the aforestated terms.

  
( S.A.T. Rizvi )  
Member(A)

  
( Ashok Agarwal )  
Chairman