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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.No.1448/88

Decided on : 8.10.93.

Shri Rajender Mohan

...Applicant

VERSUS

Union of India, through
Secretary,
Department of Revenue, North Block,
Central Secretariat,
NEW DELHI, and 16 Others. Respondents

CORAM:

HON'BLE MR. J.P.SHARMA, MEMBER(J).
HON'BLE MR. B.K.SINGH, MEMBER(A).

For the applicant None.

For the respondents Shri P.H.Ramchandani,
Sr. Counsel.

JUDGMENT (ORAL)

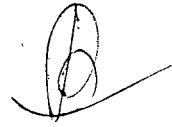
(Hon'ble Mr. J.P.Sharma, Member(J) :

The applicant is aggrieved by his non-promotion to the grade of Chief Commissioner of Income-Tax (Rs.7300-7600) and his name was omitted from the panel issued by the Department of Revenue, Ministry of Finance on 21.10.87. The case of the applicant is that juniors impleaded as respondents no.3 to 17 have been promoted. The case of the applicant is that he should have been placed below Shri M.Y.K.Menon at serial no.9 of the panel and above Shri C.S.Pandey at serial no.10 of the aforesaid panel. A notice was issued to the respondents who filed the reply and contested the application.

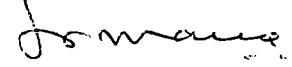
We heard Shri P.H.Ramchandani, Sr. Counsel for the respondents and none is present on behalf of the applicant. It is argued by the counsel for the respondents that the applicant worked from October 1981 to May 1985 as Commissioner of Income-tax, Jaipur and during this period, he approved appointments of non-gazetted officials against sports quota far in excess. A chart of appointments made during 1981 shows that there was 72 persons excess in the grade of L.D.C. and 30 persons excess in the grade of U.D.C. There was 'displeasure' note conveyed to the applicant by the Government on 24.7.81. It is because of this fact and also because there were certain complaints received against the applicant which the applicant himself admitted in para 6.9 of the application. Though in the rejoinder, the applicant has met all the objections but the fact remains that the case of the applicant has been considered by the Selection Committee as well as by the A.C.C. and the applicant has not alleged any mala fide against any of the members of the Selection Committee. The Tribunal cannot sit as an appellate authority over the same. However, we find that applicant has since retired soon after the filing of this application. The panel was declared in October 1987 and the application

was filed in August 1988 when the applicant was 57 and half years old. The applicant and his counsel is not present and he must have drawn his retirement benefits on the basis of terminal settlements of dues.

2. In view of the above facts and circumstances, we don't find any merit in this application. The same is dismissed being devoid of merits.



(B.K.SINGH)
MEMBER (A)



(J.P.SHARMA)
MEMBER(J)

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