

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00232/2020**

**DATED THIS THE 06<sup>th</sup> DAY OF NOVEMBER, 2020**

**CORAM:**

**HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)**

**HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)**

E.Lakshmi Ganesh  
S/o Shri E.Mohan Kumar  
Aged about 30 years  
Tax Assistant  
O/o the Commissioner of Income Tax (Appeals)  
C.R.Building, Navanagar  
Hubballi-580025.

....Applicant

(By Advocate Shri T.C.Gupta)

Vs.

1. Union of India, through the Finance Secretary  
Min. of Finance  
Department of Revenue  
Government of India  
New Delhi – 110001.

2. Pr.Chief Commissioner of Income Tax  
Karnataka & Goa Region  
Queens Road, Bangalore-560001.

...Respondents

(By Advocate Shri S.Sugumaran)

**O R D E R (ORAL)**

**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19

of the Administrative Tribunals Act, 1985 seeking therein a direction to the respondents to conduct review DPC and consider his name for promotion as Inspector with effect from 31.01.2020.

2. At the very outset, Shri T.C.Gupta, learned counsel representing the applicant submitted that the issue involved herein is no longer res-integra and in terms of para-5 of the judgment rendered by the Hon'ble Supreme Court in *Pratibha Rani & Others vs. Union of India & others, Civil Appeal No.3792/2019 (arising out of SLP(C) No.32988/2018)* decided on 10.04.2019, to determine the applicant's eligibility for promotion, the service rendered by him in the previous region prior to his transfer on compassionate ground is required to be taken into consideration.

3. Learned counsel further submitted that if the applicant's previous service is taken into account by the respondents, then a review DPC is required to be convened to consider his case for further promotion.

4. Shri S.Sugumaran, learned counsel representing the respondents, on the other hand, does not dispute the proposition of law that the service rendered by the applicant is required to be considered for determining his eligibility for promotion in terms of the judgment rendered by the Hon'ble Supreme Court in *Pratibha Rani(supra)*.

5. In view of the above, the Original Application is allowed. The respondents

are directed to undertake an exercise of review DPC and consider the applicant's case for promotion to the post of Inspector while taking into account the observations made by the Hon'ble Supreme Court in *Pratibha Rani*(supra). The whole exercise shall be undertaken within a period of 3(three) months from the date of receipt of a certified copy of this order.

6. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)  
MEMBER (A)

(SURESH KUMAR MONGA)  
MEMBER (J)

/ps/

**Annexures referred to by the applicant in OA No.232/2020:**

Annexure-A1: Representation dtd.27.1.2020  
Annexure-A2: Promotion order dtd.31.1.2020

**Annexures with reply:**

Annexure-R1: NOC dtd.17.1.2018  
Annexure-R2: Undertaking dtd.21.2.2018

Annexure-R3: Transfer order dtd.2.4.2018

**Annexures with rejoinder:**

Annexure-A3: Supreme Court decision dtd.10.4.2019

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