

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2602/90
T.A. No.

199

DATE OF DECISION 8.10.1991

Shri Aditya Vikram	Petitioner Applicant
Shri P.P. Khurana	Advocate for the Petitioner(s) Applicant
Versus	
Union of India through Secy., Deptt. of Revenue & Another	Respondent
Shri R.S. Aggarwal	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The applicant, who is working as Assistant Commissioner of Income Tax, is aggrieved by the action of the respondents in the adoption of 'sealed cover' procedure in the matter of his promotion to the post of Deputy Commissioner of Income Tax. The Departmental Promotion Committee (D.P.C.) for promotion to the post of Deputy Commissioner of Income Tax was held in December, 1989. At that point of time, no disciplinary/criminal proceeding was pending against him. However, a disciplinary proceeding was initiated against him by issuing a memorandum

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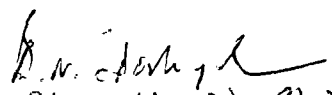
under Rule 16 of the C.C.S. (CCA) Rules, 1965 on 3.9.90. The Supreme Court has held in Union of India Vs. K.V. Janakiraman, J.T. 1991 (3) S.C. 527, that the 'sealed cover' procedure is to be resorted to only after the charge-memo/charge-sheet is issued. The salient points decided by the Supreme Court in this regard have been discussed in our judgement dated 8.10.1991 in OA-2582/90, S.K. Sharma Vs. Union of India & Others. On 21.12.1990, the Tribunal passed an interim order directing the respondents to consider the case of the applicant for promotion to the post of Deputy Commissioner of Income Tax even though a charge-sheet had been issued to him after the date of the meeting of the D.P.C. In case the result of the D.P.C. has been kept in a 'sealed cover', the same should be opened and the recommendations made by the D.P.C. should be implemented.

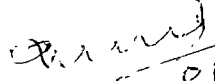
2. The learned counsel for the applicant stated that the applicant has already been promoted as Deputy Commissioner on 30.1.1991.

3. In view of the judgement of the Supreme Court in Janakiraman's case, mentioned above, we allow the application. The respondents are directed to pass appropriate orders granting the applicant all consequential benefits, including arrears of pay and allowances from the

date his immediate junior was promoted. The respondents shall comply with the above directions within a period of three months from the date of receipt of this order.

4. There will be no order as to costs.


(B.N. Dhoundiyal) 3/10/91
Administrative Member


(P.K. Kartha) 8/10/91
Vice-Chairman(Judl.)