

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 161/91
T.A. No.

199

DATE OF DECISION 8.10.1991

Shri Upendra Singh

~~Retiree~~ Applicant

Shri P.P. Khurana

Advocate for the ~~Petitioner(s)~~ Applicant

Versus

Union of India through Secy.,

Respondent

Min. of Finance & Another

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 Deputy Commissioner of Income Tax, is aggrieved by the action of the respondents in the adoption of 'sealed cover' procedure while considering his case for the grant of Selection Grade (non-functional). The Departmental Promotion Committee (D.P.C.) for considering the matter, met in December, 1990. At that point of time, no disciplinary/criminal proceeding was pending against him. However, disciplinary proceeding was initiated against him by issuing a memorandum under Rule 14 of the C.C.S. (CCA) Rules, 1965 on 7.2.1991 to him. The Supreme Court has held

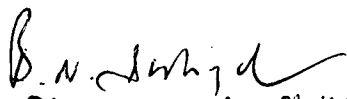
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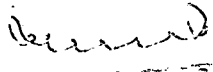
in Union of India Vs. K.V. Janakiraman, U.T. 1991 (3) S.C. 527, that the 'sealed cover' procedure is to be resorted to only after the charge-memo/charge-sheet is issued. The salient points decided by the Supreme Court in this regard have been discussed in our judgement dated 8.10.1991 in OA-2582/90 - S.K. Sharma Vs. Union of India & Others. On 18.1.1991, the Tribunal passed an interim order directing the respondents to consider the case of the applicant for promotion to the Selection Grade, and that in case the result of the D.P.C. had been kept in a sealed cover, the sealed cover 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 granted selection grade and that he has also been paid the arrears of pay and allowances.

3. In view of the foregoing, the application has become infructuous and it is disposed of accordingly without passing any further orders.

4. There will be no order as to costs.


(B.N. Dhoundiyal) 8/10/91
Administrative Member


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