

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.2067 of 1993

Date of decision: 1.10.93.

Raj Kumar Singh Applicant.

Versus

Union of India & another Respondents.

CORAM:

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

Hon'ble Mr.S.R.Adige, Member(A)

For the applicant: Shri R.P.Sharma, counsel.

JUDGMENT(ORAL)

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

The applicant Raj Kumar Singh is a Deputy Commissioner of Income Tax. His grievance is that the DPC recommended certain Deputy Commissioners of Income Tax for promotion to the Commissioners of Income Tax and on the basis of that recommended, a panel was prepared on 16.12.88 in which the name of the applicant was missing. The relief, claimed by the applicant in this application, is that the respondents be directed to constitute a review DPC to consider the case of the applicant on the basis of the instructions of the CBDT by taking into account his last eight years' ACRs starting from 1978-79 and also by adopting the criterion of seniority-cum-merit.

2. The applicant is said to have been facing certain enquiry as a result of which the result of DPC was kept in a sealed cover. The applicant assailed that matter in the original application filed before the CAT, Madras Bench in O.A.No.277 of 1990 and the same was disposed off vide judgment dated 13.9.91. The direction given by the Madras Bench was that the respondents would open the sealed cover at the appropriate time when the pending disciplinary cases are decided in accordance with the existing orders.

(2)

The departmental proceedings have ended by exoneration of the applicant as is evidence from the order dated 27.5.93.

3. The contention of the applicant is that the applicant was not officially informed regarding the opening of the sealed cover but he somehow learnt the same and an averment has been made in paragraph 13 of his application that ;

" the applicant has reliably learnt that the 1988 DPC had declared him unfit by taking only five years' ACRs into consideration as against eight years".

4. The contention of the learned counsel for the applicant is that he had personally met the concerned authority but could not get any response regarding the remedy of constituting a review DPC on the basis of the instructions of CBDT though there are decisions of the CAT, Madras Bench as well of this Bench, a copy of which has been annexed to this application.

5. Further the contention of the learned counsel is that the applicant has already approached the Tribunal and has also filed a representation departmentally for consideration of his grievance. We have considered the matter and after going through the provisions of section 20 of AT Act read with the decision in the case of "S.S.Rathore Vs. State of Madhya Pradesh & others (AIR 1990 S.C. 10), we find that this application is premature. Accordingly, this application is dismissed as premature with a liberty to the applicant to make a representation to the concerned authority.

Arvind
(S.R.ADIKES)
MEMBER(A)

Domaraj
(J.P.SHARMA)
MEMBER(J)