

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 25TH DAY OF MAY, 2001

Original Application No. 992 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Shri Virendra Kumar Saxena,
Son of Shri Fateh Bahadur Saxena
aged about 54 years, R/o 313 A/293
Zakati Baraian Street Bareilly(UP)
presently working as Inspector of Income Tax
Circle I, Bareilly(UP)

... Applicant

(By Adv: Shri P.C.Jhingan)

Versus

1. Union of India through the Finance Secretary, Ministry of Finance Govt. of India, North Block New Delhi.
2. The Chief Commissioner of Income Tax Lucknow.
3. The Commissioner of Income Tax Lucknow.
4. The Deputy Commissioner of Income Tax Range, Bareilly.

... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this application the applicant has prayed for a direction to Chief Commissioner Income Tax Lucknow to regularise and include the name of applicant for promotion ~~in~~ the panel of Income Tax Officer and to withhold implementation of order dated 15.6.1993.

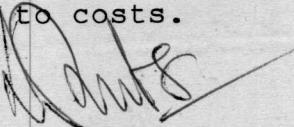
The facts in short giving rise to this application are that list of 40 Income Tax Inspectors was circulated on 4.5.1993 for obtaining CCRs and vigilance clearance for promotion of Income Tax Officers and DPC met on 15.3.1993. the name of the applicant was at sl.no.12 in the list of 40 officials circulated vide letter dated 4.5.1993. The DPC considered the suitability of the applicant for promotion to the post of Income Tax Officer. However DPC placed its findings in a sealed cover in view of the fact that decision to initiate disciplinary proceedings had already been taken by concerned Commissioner of Income Tax.

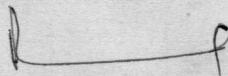
It is not disputed that applicant was promoted w.e.f. 21.11.1994 as Income Tax officer and he retired from service in June 1997 as Income Tax Officer. It is also not disputed that applicant was promoted on the basis of DPC held on 15.6.1993. The grievance of the applicant thus is confined to the fact that he is entitled for promotion from the date on which persons junior to him were promoted. This question in our opinion can be decided in better manner by the departmental authority. They can also note the findings of the DPC in the sealed cover showing position of the applicant in the merit list in the list of selected candidates on merit basis and determine whether the applicant had suffered any disadvantage on account of his delayed promotion.

For the reasons stated above the OA is disposed of finally with the liberty to the applicant to make representation before Chief Commissioner of Income Tax, Lucknow, respondent no.2. The representation shall be

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filed within a month. If the representation is so filed, it shall be considered and decided in accordance with law by a reasoned order within three months from the date a copy of this order is filed before him. There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 25.5.2001

Uv/