

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
AHMEDABAD BENCH

O.A. No. 214 of 1988
~~XXXXXXXXXX~~

DATE OF DECISION 29/12/91

Shri Ishwarlal Mulchand Bhatia Petitioner

Shri J.R. Nanavaty Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri R.P. Bhatt Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi : Vice Chairman

The Hon'ble Mr. S. Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?

Mr. Ishwarlal Mulchand Bhatia,
E-32, Central Government Quarters,
Near Darpan Society,
Naranpura,
AHMEDABAD-380 013

... Applicant

VS.

1. Union of India,
Ministry of Finance,
Department of Revenue,
NEW DELHI.
2. Chief Commissioner of Income Tax,
(Admn.) Gujarat,
2nd floor, Aayakar Bhavan,
Gandhi Bridge,
AHMEDABAD -9.
3. M.K. Gopinathan,
I.T.O. Group B, Circle V-C,
4th floor, Insurance Building,
Ashram Road,
AHMEDABAD.
4. N.A. Thakkar,
I.T.O. (Judicial) III,
2nd floor, Aayakar Bhavan,
Gandhi Bridge,
AHMEDABAD-9.
5. Mr. C.K. Parmar,
I.T.O., Circle II,
BARODA.

ORAL ORDER

Date : 29th May, 1991.

Per : Hon'ble Mr. P.H. Trivedi


: Vice Chairman

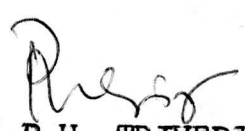
Heard learned advocate Mr. J.R. Nanavaty and
Mr. R.P. Bhatt for the applicant and respondents respectively.
The applicant has challenged the decision not to promote him,
taken as consequence to the D.P.C. meeting on 16.4.1987.
According to him he was considered as fit for the promotion
and had also passed Departmental Examination, He was selected
for promotion to the post of Income Tax Officer, Grade 'B'. This
post is a selection post. The respondents have contested the

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the claim of the applicant on the ground that being a selection post, neither mere seniority ~~to~~ passing of Departmental Exam, automatically qualifies the applicant for promotion. There is no bias against him as shown on 26.7.87 having selected the applicant for promotion. ~~this~~ ^{it} can be ~~understandable~~ ^{might have} acceptable that the applicant's performance ~~had~~ improved after 1987, and this ~~is in connection with~~ ^{might have caused} oral D.P.C. ~~in~~ selecting him for promotion. The D.P.C. which met on 16.1.'87 considered the applicant's case along with other eligible officials and categorised him as 'Good'. Therefore the officials who were categorised as 'Very Good' ranked above him and he did not find a place in the Select Panel, but by subsequent D.P.C. meeting on 26.7.'88 ~~under~~ ^{by} specific order ~~having~~ ^{selected} the applicant for promotion.

2. We are unable to find any good reason for ~~agreeing~~ ^{interfering} with the procedure adopted by the respondents, nor there is no reason for interference in the order issued. The applicant has not made out his case in this matter, Accordingly we find it as without merit and is disposed of. There shall be no orders as to costs.


(S. SANTHANA KRISHNAN)
Judicial Member


(P. H. TRIVEDI)
Vice Chairman