

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 433 OF 2010**

Wednesday, this the 11<sup>th</sup> day of January, 2012

**CORAM:**

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER**  
**HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

**C.K.K.Nair  
Deputy Commissioner of Income Tax  
Central Circle – 2  
Kozhikode**

### Applicant

(By Advocate Mr. P.Ramakrishnan )

## versus

1. Union of India represented by the Secretary  
Department of Revenue, North Block  
New Delhi – 110 001
  2. The Chairman  
Central Board of Direct Taxes  
North Block, New Delhi – 110 001
  3. The chairman  
Union Public Service Commission  
Dholpur House, Shahjahan Road  
New Delhi – 110 069
  4. The Secretary  
Department of Personnel & Training  
North Block, New Delhi – 110 001

(By Advocate Mr. Thomas Mathew Nellimoottil )

The application having been heard on 11.01.2012, the Tribunal on the same day delivered the following:

## ORDER

## HON'BLE MR.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant is Deputy Commissioner in Senior Scale claiming promotion to the post of Junior Administrative Grade (Joint Commissioner). Admittedly going by Annexure A-2 notification, officers in the Senior Scale with 5 years service in the grade is entitled to be considered for promotion

to the Junior Administrative Grade (Joint Commissioner). Admittedly, the applicant do not have 5 years of service in the Senior Scale. According to him, proposal was taken up for relaxing this period to 4 years in which case he will be entitled for promotion to the Junior Administrative Grade (Joint Commissioner). This is a selection post. Hence only after the DPC considers the case of the applicant and similarly situated persons in the zone of consideration, thereafter only if they recommend the case of the applicant, he can be promoted. The respondents submit that a proposal has been sent to the UPSC for relaxing the 5 years in the Senior Scale to 4 years, but they have not received any instructions as such whether this proposal has been accepted or not. As such, it is too pre-mature for the applicant to insist for any such promotion. At the same time, if the UPSC agrees with the proposal made by the Department necessarily the applicant will also be eligible to be considered to the post of Junior Administrative Grade (Joint Commissioner) along with similarly situated persons to that effect. We declare so.

2. OA is disposed of as above. No costs.

Dated, the 11<sup>th</sup> January, 2012.

  
**K GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**

  
**JUSTICE P.R.RAMAN**  
**JUDICIAL MEMBER**

vs