

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No. 120 of 1992 and

O.A.No.1896 of 1992

Tuesday, this the 20th day of September, 1994.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER.

O.A.No. 120 of 1992.

V.Sreekumar,  
Income Tax Officer Ward I,  
Palakkad.

... Applicant in OA 120 of  
1992

(By Advocate Mr.K.L.Narasimhan)

Vs.

1. Union of India, represented by  
its Secretary,  
Ministry of Finance,  
Department of Revenue,  
New Delhi.
2. The Chief Commissioner of  
Income Tax,  
Cochin.
3. The Departmental Promotion Committee  
represented by its Chairman Sh.Ghosh,  
Member, U.P.S.C.,  
New Delhi.
4. AR. Chakrabarty,  
Asstt. Commissioner of Income Tax,  
O/o The Chief Commissioner of Income tax, (Bihar)  
Patna. ... Respondents in  
(By Advocate Mr.T.P.M.Ibrahim Khan) OA 120 of 1992.

O.A.No.1896 of 1992.

V.Sreekumar,  
Income Tax Officer,  
O/o The Commissioner of Income Tax,  
Ayakkar Bhawan,  
Kowdiar, Trivandrum.

... Applicant in OA 1896  
of 1992

(By Advocate Mr.K.L.Narasimhan)

Vs.

1. Union of India, represented by  
its Secretary,  
Ministry of Finance,  
Department of Revenue,  
New Delhi.
2. The Chief Commissioner of Income Tax,  
Cochin.
3. The Departmental Promotion  
Committee represented by its  
Chairman, Shri.Ghosh,  
Member, U.P.S.C.,  
New Delhi.

4. B.C.Mallick,  
Assistant Commissioner of  
Income Tax (Junior scale)  
Investigation, Sambalpur,  
Orissa.

... Respondents in  
OA 1896 of 1992

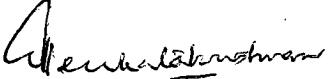
(By Advocate Mr.Mathew G.Vadakkal)

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN.

Neither applicants nor their counsel are present.  
Applications are dismissed. No costs.

Dated the 20th September, 1994.

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 120 of 1992

Monday, this the 19th day of December, 1994

CORAM:

HON'BLE MR PV VENKATKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

1. V Sreekumar,  
Income Tax Officer  
Ward I,  
Palakkad. .. Applicant

By Advocate Mr. KL Narasimhan

Vs.

1. Union of India, represented by  
its Secretary,  
Ministry of Finance,  
Department of Revenue,  
New Delhi.

2. The Chief Commissioner  
of Income Tax,  
Cochin.

3. The Departmental Promotion Committee  
represented by its Chairman, Shri Ghosh,  
Member,  
UPSC, New Delhi. .. Respondents

By Advocate Mr. C Kochunni Nair

ORDER

PV VENKATKRISHNAN, ADMINISTRATIVE MEMBER

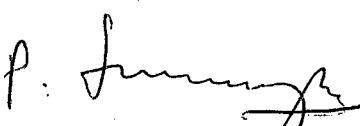
Applicant who is working as Income Tax Officer, is aggrieved by the fact that he was not selected for promotion by the Departmental Promotion Committee which met in October, 1991. His contention is that originally he had an adverse entry in the 1986-87 ACR, but this was ordered to be expunged by a decision of this Tribunal in OAK 600/88. Applicant contends that by virtue of this expunction he should have

been selected for promotion. He also apprehends that persons junior to him having similar ACR gradings were selected and he was excluded and this amounts to discrimination.

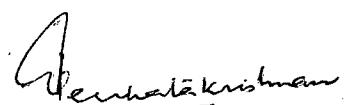
2. In order to verify this contention we had called for the records of the Departmental Promotion Committee of October, 1991. A detailed perusal of the entries regarding the candidates before the Departmental Promotion Committee and who are junior to applicant shows that all the candidates junior to applicant who have been selected (other than Scheduled Caste/Tribe candidates) are of grading above 'good' whereas applicant has a grading of only 'good'. As such, we see no irregularity in the selection held by the Departmental Promotion Committee in October, 1991. Learned Counsel for applicant also submitted fairly that if no candidate junior to applicant with the same grading or below that of applicant's grading was selected, (which is the position here) he would have no grievance as regards this particular selection.

3. In view of the position set out above, we consider that the application is without merit. It is accordingly dismissed. No costs.

Dated the 19th December, 1994



P. SURYAPRAKASAM  
JUDICIAL MEMBER



PV VENKATKRISHNAN  
ADMINISTRATIVE MEMBER

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