

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. Chakrabarthy,
Asstt. Commissioner of Income Tax,
O/o The Chief Commissioner of Income tax, (Bihar)
Patna.
(By Advocate Mr.T.P.M.Ibrahim Khan)

... Respondents in
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

sk.20/9

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DA No. 120 of 1992

Monday, this the 19th day of December, 1994

CORAM:

HON'BLE MR PV VENKATAKRISHNAN, 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

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

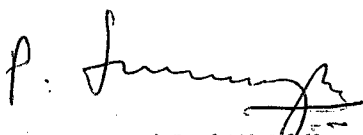
Applicant who is working as Income Tax Officer, is aggrieved by the fact that he was not selected for promotion by the Departmental Promotion Committee which met in October, 1991. His contention is that originally he had an adverse entry in the 1986-87 ACR, but this was ordered to be expunged by a decision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

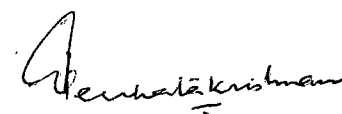
been selected for promotion. He also apprehends that persons junior to him having similar ACR gradings were selected and he was excluded and this amounts to discrimination.

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 VENKATAKRISHNAN
ADMINISTRATIVE MEMBER