

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.314/92.

Tuesday, this the 18th day of January, 1994.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

CR Parameswaran,
Inspector of Income Tax,
Income Tax Office,
Division-I, Trichur.

....Applicant

By Advocate Shri G Sivarajan.

Vs.

1. Union of India represented by its Secretary, Ministry of Finance, New Delhi.
2. The Central Board of Direct Taxes, represented by its Secretary.
3. The Chief Commissioner of Income Tax, IS Press Road, Ernakulam.
4. The Departmental Promotion Committee for Promotion of Income Tax Officers, represented by its Chairman, Sri MK Kesavan, Chief Commissioner of Income Tax, IS Press Road, Ernakulam.
5. Shri KP Sreedharan Nair, Income Tax Officer, Ward-3, IT Office, Kottayam.
6. Shri K Krishna Pillai, Income Tax Officer, Ward-3, Income Tax Office, Division-II, Ernakulam.
7. Shri CP Menon, Tax Recovery Officer, Warriam Road, Ernakulam.
8. Shri R Sreedharan Nair, Income Tax Officer (Survey), Office of the ADI (Inv), Kottayam.
9. Smt M Leela, Income Tax Officer, Salary, Ward-2, Income Tax Office, Division III, Ernakulam.
10. Shri M Majeed, Income Tax Officer, Ward I, Income Tax Office, Kannur.
11. K Bhanuprakasan, Income Tax Officer, Ward 6, Income Tax Office, Division I, Kozhikode.

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12. KA Kurian, Income Tax Officer,
Ward I, Income Tax Office,
Kollam.
13. KK John, Income Tax Officer (Survey),
Office of the Deputy Director of Income Tax (Inv),
Madaparambil Buildings, Ernakulam.
14. CA Madhavan, Income Tax Officer,
Ward 2, Income Tax Office, Aluva.
15. P Kuttisankaran, Inspector of Income Tax,
Salary, Division III, CR Bldg.,
IS Press Road, Cochin.
16. P Imbichikandan, Income Tax Officer,
Income Tax Office, Trichur.

....Respondents

By Shri TPM Ibrahim Khan, Addl Central Govt Standing Counsel for R1-4
By Advocate Shri MR Rajendran Nair for R.13.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant who was an Income Tax Inspector at the time of filing this application and now an Income Tax Officer, seeks a declaration that he is eligible to be considered, and selected as an Income Tax Officer in the first vacancy that arose after 25.7.1991. According to him, a Supplementary Departmental Promotion Committee met on 27.11.1991, and prepared a panel. That stood in the way of his selection and appointment as Income Tax Officer at the appropriate time, states applicant. He would also say that he should be deemed to have passed the qualifying examination for promotion on the date when the Departmental Promotion Committee met.

2. Applicant appeared for the qualifying examination in July, 1991. Results were announced on 2.1.1992, and he was declared passed. The Departmental Promotion Committee met on 27.11.1991. It was physically impossible for the Departmental Promotion Committee to consider his case when it met, as he had not passed the qualifying examination on that date. Learned counsel could not bring to our notice any rule by which, securing of qualifications can be related to a prior date for purposes of promotion. In a situation where it was physically

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impossible to consider applicant on the date when the Departmental Promotion Committee met and when there is no deeming provision, we cannot hold that he was entitled to be considered. If applicant has any claim that he should be considered for any specific vacancy that arose after 2.1.1992 he may raise his claim before the competent authority. Since applicant could not have been considered on 27.11.1991, we do not propose to go into the question whether convening of the Supplementary Departmental Promotion Committee was proper or not, as it is unnecessary for us to engage ourselves in such academic exercises.

3. With this observation, application is dismissed. No costs.

Dated the 18th January, 1994.


PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


Chettur Sankaran Nair

CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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