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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 736/90 199

TxxXXXNQX

DATE OF DECISION 4.3.92

Shri Namdeo Shankarrao Katkar Petitioner

Shri M.A. Mahalle, Advocate for the Petitioners

Versus

The Chief Commissioner of Respondent
Income Tax, Pune and others.

Shri P.M. Pradhan. Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K. Dhaon, Vice Chairman.

The Hon'ble Mr. M.Y. Priolkar, Member (A)

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 ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

ND

S.K. DHAON
(S.K. DHAON)
Vice Chairman

mbm*

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 736/90

Shri Namdeo Shankarrao Katkar
V/s.

..... Applicant.

Chief Commissioner of
Income-Tax, Pune and others. Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman
Hon'ble Shri M.Y. Priolkar, Member (A)

Appearance:

Shri M.A. Mahalle, Counsel
for the applicant.

Shri P.M. Pradhan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 4.8.92

(Per Shri Justice S.K. Dhaon, Vice Chairman)

The applicant felt aggrieved as he was not promoted to the cadre of Income Tax Officer. He came to this Tribunal with the prayer that the respondents No.1 may be directed to promote him with effect from 11.4.90 and thereafter grant him seniority.

A reply has been filed. It is asserted that when the D.P.C. was asked to consider the case of applicant and others for promotions, the investigation of investments of the applicant was under progress and that process is on even now. Therefore, the resultd of the D.P.C. vis-a-vis the applicant was kept in a sealed cover.

The learned counsel for the applicant was urged that, in view of the admissions made by the respondent in the counter affidavit, the procedure adopted by the D.P.C. in keeping the result of selection of the applicant in the sealed cover was illegal, as, admittedly, the applicant had not been furnished with a charge sheet. This position is not

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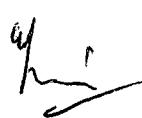
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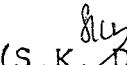
disputed by the learned counsel for the respondents, We are also informed that at the moment no investigation is going on against the applicant. We are also informed that at a subsequent selection the applicant was found fit and, therefore, promoted.

The respondents are directed to open the seal/cover containing the decision taken by the D.P.C. on 10.4.90. If it is found that the applicant had been found fit for promotion, he (applicant) shall be promoted. It goes without saying that the respondents shall fix the seniority of the applicant in accordance with law. In case the applicant is promoted, he will be paid his arrears of salary from the date from which he will be deemed to be promoted. Respondents shall take necessary action, in the light of the directions given by us in this order, within a period of three months from today.

With these directions the application is disposed off finally.

There shall be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(S.K. DHAON)
VICE CHAIRMAN

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