

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(8)

Original Application No. XXXXXX 103/91
Transfer Application No.

Date of Decision : 23.2.1995

M.K.N.Pillai

Petitioner

Shri B.Ranganathan.

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri V.S.Masurkar.

Advocate for the
respondents

C O R A M :

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
The Hon'ble Shri M.R.Kolhatkar, Member(A).

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *NO*

✓
(M.S.DESHPANDE)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

Original Application No.103/91.

M.K.N.Pillai.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande,
Vice-Chairman,
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Shri B.Ranganathan.
Respondents by Shri V.S.Masurkar.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 23.2.1995.

By this application the applicant seeks a promotion to the post of Dy. Commissioner of Income-tax w.e.f. the date his immediate junior was promoted and to grant consequential reliefs from the date of the said promotion.

2. The applicant was promoted as Assistant Commissioner of Income-tax on 21.9.1982. On 27.12.1989 two of his juniors Baldev Singh and P.R.Ravikumar were promoted as Dy. Commissioner of Income-tax. The applicant made a representation against his supersession on 4.1.1990. On 26.3.1990 a charge sheet was issued to the applicant which he received on 6.4.1990. He approached the Tribunal on 12.3.1991 and on 30.4.1991 the Tribunal ordered the opening of the sealed cover and to promote the applicant provisionally if he was selected for promotion. The applicant was given promotion as Dy. Commissioner of Income-tax from 10.6.1991 and he retired on superannuation on 31.3.1992. The inquiry against him was dropped on 7.4.1993. The applicant was placed in

the seniority list dt. 1.1.1992 at Sl.No.753 between Baldev Singh and P.R.Ravikumar. What is being sought now by the applicant is that he should be deemed to have been promoted w.e.f. 27.12.1989 as Dy. Commissioner of Income-tax when Baldev Singh and P.R.Ravikumar were promoted and give the same benefits which they had been given.

3. The learned counsel for the Respondents did not dispute the correctness of these facts and stated that the respondents would consider the applicant's entitlements on the basis of the above facts. It is clear that once inquiry against the applicant came to be dropped from 7.4.1993 and he was found suitable for promotion by the DPC when the DPC was held in 1989 and the two juniors of the applicant came to be promoted, the applicant would be entitled to the same benefits which were given to Baldev Singh and P.R.Ravikumar from 27.12.1989.

4. We therefore, direct the respondents to treat the applicant as having been promoted from 27.12.1989 and give the same benefits which had been given to Baldev Singh and P.R.Ravikumar based from such promotion. The pensionary benefits of the applicant shall also have to be calculated on that basis. We direct that all the monetary benefits including the pensionary benefits flowing from this order shall be calculated and paid to the applicant within four months from the date of communication of this order.

MR.Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)

(M.S.DESHPANDE)
VICE-CHAIRMAN