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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.754 of 1987. <

Date of Judgment 10.4.90.

S.S.Mishra /

.. Applicant

Versus

The Chief Commissioner  
of Income-tax,  
Andhra Pradesh,  
Hyderabad  
& 2 others

.. Respondents /

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Counsel for the Applicant : Shri V.Jogayya Sarma,  
Advocate.

Counsel for the Respondents: Shri N.Bhaskara Rao,  
Addl. CGSC

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CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl).

Hon'ble Shri R.Balasubramanian : Member(Admn).

[ Judgment as per Hon'ble Shri R.Balasubramanian,  
Member(Admn) ]

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This is an application filed under section 19  
of the Administrative Tribunals Act by Shri S.S.Mishra  
against the Chief Commissioner of Income-tax, Andhra  
Pradesh, Hyderabad and 2 others.

2. The applicant belongs to the XXXII Batch of  
Income-tax Officers (Group-A). He was due for promotion  
to the next higher grade of Assistant Commissioner of  
Income-tax. According to the applicant his performance  
records are such as should have enabled him to get the  
promotion without any hitch. However, he was not promoted

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along with others whose cases were recommended by the Departmental Promotion Committee in 1986. The applicant is aggrieved that in terms of the instructions in vogue at the relevant time he had not been <sup>e</sup>forwarned about fall in the standard of performance, if any. He is also of the conviction that the gradings "Very Good" and "Good" are subjective and therefore discriminatory. When he was not promoted he made a representation which was rejected. He has prayed that he be promoted on the basis of the 1986 Departmental Promotion Committee

3. This prayer has been opposed by the respondents. They have pointed out that the Departmental Promotion Committee <sup>proceeded</sup> ~~was held~~ exactly on the lines of the instructions by the Department of Personnel and that the applicant was only given the grading "Good" which did not enable him to find a place in the final recommended list. They have also pointed out that the gradings, if any, as given by the reporting and reviewing officers are not final and that in accordance with the instructions of the Department of Personnel the Departmental Promotion Committee has to do the grading itself. They have also pointed out that the Departmental Promotion Committee is a body of experts and this <sup>tribunal</sup> ~~body~~ may not interfere with the recommendations of such an expert body. They have cited the case of U.P.S.C. Vs. Hiranyalal Dev and others reported in ATC Vol.7 1988 P.72<sup>22</sup>

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To,

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1. Chief Commissioner of Income Tax, Andhra Pradesh-I, Ayakar Bhawan, Hyderabad.
  2. Central Board of Direct Taxes, North Block, New Delhi rep. By its Chairman.
  3. The Secretary, Union of India, Ministry of Finance, Department of Revenue, North Block, N. Delhi.
  4. One copy to Mr. V. Jogayya Sarma, Advocate, 5-1-896/6, Putli Bowli, Hyderabad-500195.
  5. One copy to Mr. N. Bhasakara Rao, Add. CGSC, CAT? Hyderabad.
  6. One copy to Hon'ble Mr. R. Balasubramanian, Member (Admn.), CAT, HYD.
  7. One spare copy.

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4. The short question before us is whether the Departmental Promotion Committee had conducted its proceedings in accordance with the instructions of the Department of Personnel. We have gone through the records of the Departmental Promotion Committee. The Departmental Promotion Committee which met on 16.12.86 had graded him only "Good". We also find from the confidential reports of the applicant that for the period 1981-82 to 1985-86 the performance of the officer had been such that he could not have got a grading better than "Good" which is exactly what the Departmental Promotion Committee had done. Promotion from the grade of Income-tax Officer to that of Assistant Commissioner of Income-tax is one on selection basis and therefore persons, even though junior to the applicant, who got better grading like "Very Good" and "Outstanding" had all found a place in the final list. We therefore find that the Departmental Promotion Committee proceedings have been conducted in just the same manner as required by the Department of Personnel.

5. Under the circumstances we do not find any reason or scope to interfere with the findings of the Departmental Promotion Committee. The dropping of the applicant in the 1986 Departmental Promotion Committee list is therefore in order. The application is accordingly dismissed with no order as to costs.

( J. NARASIMHA MURTHY )  
Member (Judl).

( R. BALASUBRAMANIAN ) 19/4/90  
Member (Admn).

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DEPUTY REGISTRAR WJ.

10<sup>th</sup> April 1990