

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 104/92

Date of Decision : 13-3-92

T.A.No.

<u>Jayant Gopal Pendse,</u>	Petitioner.
<u>J.G.Pendse (party-in-person),</u>	Advocate for the petitioner (s)
Versus	
<u>Union of India, represented by Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi-110 001. & another Sri N.R.Devraj,</u>	Respondent. Advocate for the Respondent (s)

CORAM :

THE HON'BLE MR. R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE MR. T.CHANDRSEKHAR REDDY : MEMBER (J)

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

(RBS)
M(A)

(TCR)
M(J)

(u)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 104/92.

Dt. of Order:13-3-92.

Jayant Gopal Pendse

....Applicant

Vs.

1. Union of India, represented by
Secretary, Ministry of Finance,
Department of Revenue, North Block,
New Delhi - 110 001.

2. Central Board of Direct Taxes,
North Block, New Delhi-110 001.

....Respondents

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Counsel for the Applicant : Sri J.G.Pendse
(party-in-person)

Counsel for the Respondents : Sri N.R.Devraj

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CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Division Bench delivered by
Hon'ble Sri R.Balasubramanian, M(A)).

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This application is filed by Sri Jayant Gopal Pendse,
party-in-person under section 19 of the A.T.Act, 1985, with
the following reliefs :-

i) Summon the recommendations of DPC
kept in sealed cover together with
reviews of sealed cover prescribed
under the procedure and if found fit
by DPC the applicant be declared to
have been confirmed as Asst.Commis-
sioner with retrospective effect
from the date person junior to
applicant was confirmed or from the
date as recommended by DPC as the

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Hon'ble Tribunal considers appropriate;

OR

ii) to direct the Respondents to give effect to sealed cover within two months without fail.

2. We are confining ourselves only to item (ii) i.e. to direct the Respondents to open the sealed cover within two months. The facts of the case in brief are as follows :-

the applicant was
While/functioning as Dy. Commissioner a charge sheet had been issued under Rule 14 of the relevant service rules. While so ^{the} Departmental Promotion Committee considered his case along with others for certain advancement in career. The findings of the D.P.C. ^{was were} on the applicant/kept in sealed cover in accordance with ^{the approved} procedure. By a memo dt. 13-8-90 issued by the Government of India, Ministry of Finance, the President was pleased to accept and close the proceedings started against the applicant. In view of the recent decision of the Hon'ble Supreme Court rendered in "Union of India & others Vs. Janki Ram", it becomes necessary for the Respondents to open the sealed cover and act on the ^{D.P.C.} findings. This case was heard earlier for admission on 11-2-92 and notice was given to the Respondents. Today, when this case was called again, Sri N.R. Devraj, learned counsel for the Respondents prayed that he had not received the full instructions on the case and also he had pleaded that the applicant ^{prayer} had already ^{been} met with the prayer ^{in the} sense that he had subsequent to the D.P.C. he had been

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promoted not once but twice. He proceeded further and stated that according to the latest instructions confirmation at one stage in the career is enough and confirmation at every stage is not necessary and hence, whatever is required by the applicant had been given by the Department. We have taken into consideration only the alternative prayer (ii) which is legally ^{permissible} ~~permissible~~ to give the applicant the ~~required~~ relief for which he is entitled. In these circumstances, we direct the Respondents to open the sealed cover and act as per the recommendations of the D.P.C. within a period of three months from the date of receipt of this order. We allow the application accordingly with no order as to costs. We also make it clear that we have not dealt with item No.(i) of the prayer in the OA.

R. Balasubramanian
(R. BALASUBRAMANIAN)
Member(A)

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (J)

Dated: 13th March, 1992
Dictated in the Open Court

824/3/92
Deputy Registrar (J)

- To
1. The Secretary, Union of India, Ministry of Finance, Department of Revenue, North Block, New Delhi-1.
 2. The Central Board of Direct Taxes, North Block, New Delhi-1.
 3. One ^{avl/} copy to Mr. J.G. Pendse, Party-in-person, Commissioner of Incometax, (Appeals) III, Aayakar Bhavan, Basheerbagh, Hyderabad.
 4. One copy to Mr. N.R. Devraj, Addl. CGSC. CAT. Hyd
 5. One spare copy.

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY;
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

DATED: 13-3-1992

ORDER/JUDGMENT:

R.A/C.A/ M.A.No.

in

O.A.No.

T.A.No.

(W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

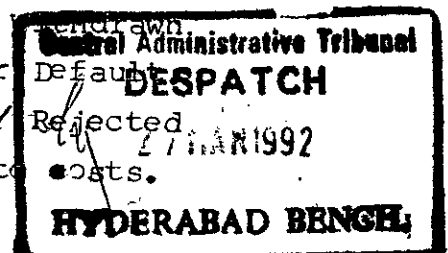
Dismissed

Dismissed as withdrawn

Dismissed for Default

M.A. Ordered/ Rejected

No order as to costs.



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