

Central Administrative Tribunal  
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 104/92

Date of Decision : 13-3-92

T.A.No.

Dayant Gopal Pendse,

Petitioner.

J.G.Pendse (party-in-person),

Advocate for the  
petitioner (s)

Versus

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

Respondent.

Sri N.R.Devraj,

Advocate for the  
Respondent (s)

CORAM :

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

THE HON'BLE MR. T.C.HANDRESEKHAR 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)

T (TCR)  
M(J)

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.Commissioner 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.

the While so ~~by~~ Departmental Promotion Committee considered his case along with others for certain advancement in career.

The findings of the D.P.C. ~~on~~ the applicant/kept in sealed cover in accordance with <sup>the affermed</sup> 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. Inview 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/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

<sup>prayer</sup> that the applicant ~~had~~ already <sup>been</sup> 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 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

*824/392*  
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 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.

pvm.

*P. S. Chhat  
G. M. B.*

(3)

TYPED BY  
CHECKED BY

COMPARED 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.

104 | 92

T.A.No.

(W.P.No.)

Admitted and interim directions  
issued.

Allowed

Disposed of with directions.

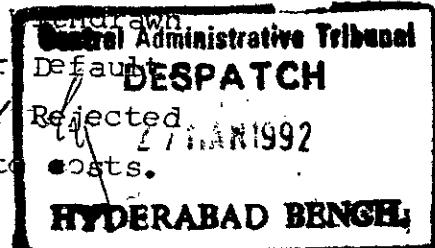
Dismissed

Dismissed as withdrawn

Dismissed for Default

M.A. Ordered/ Rejected

No order as to costs.



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