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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 470/92

Date of Order: 29.7.1992.

BETWEEN:

R.Bhaskara Rao

.. Applicant.

A N D

1. Government of India, rep. by
its Secretary, Ministry of
Finance, Dept. of Revenue,
North Block, New Delhi.

2. Chairman, Central Board of
Direct Taxes, North Block,
New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr. GVRS. Vara Prasad

Counsel for the Respondents

.. Mr. N. Bhaskara Rao

CO. AM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUD L.)

(Order of the Division Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)).

Today we have heard Mr. G.V.R.S. Vara Prasad,
Advocate for the applicant and Mr. N. Bhaskara Rao, Standing
Counsel for the respondents.

T. C. A. *[Signature]*

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[Signature]

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to open the sealed covers kept by the D.P.C. held in January, 1986 and August, 1986 for the purpose of promotion to the post of Income Tax Officer, Group 'A' in respect of the applicant and to give appropriate directions to the respondents.

The facts giving rise to this OA in brief are as follows:

2. The applicant was promoted as Income Tax Officer, Group-B in the month of July, 1970. Next promotion due for the applicant was Income Tax Officer, Group-'A'. Certain disciplinary proceedings were pending against the applicant in the year 1986. The applicant was ripe for promotion from the post of Income Tax Officer, Group-B to the post of Income Tax Officer, Group 'A' in the year 1986. In view of the disciplinary proceedings, the applicant was not promoted to the post of Income Tax Officer, Group-A from the post of Income Tax Officer, Group-B. So, sealed cover procedure was followed by the DPC that met on 27.1.1986 and 28.1.1986 and it considered the applicant for promotion to the cadre of Income Tax Officer, Group-A and the DPC kept its recommendations in a sealed cover with regard to the suitability of the applicant for promotion. The case of the applicant for promotion to the post of Income Tax Officer Group-A had again been taken up in the month of August, 1986. The DPC met in the month of August, 1986 from 18th to 21st. At that time also, the applicant's case for promotion to the post of Income Tax Officer, Group-A was considered and the result thereof, had been kept in a sealed cover. The Govt. of India, Ministry of Finance,

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Department of Revenue, as per its orders dated 17.9.1991 had set aside the order of penalty of reduction in pay that was imposed by the Disciplinary authority and had allowed the appeal of the applicant. A copy of the order dated 17.9.1991 is found at page '6' of the material papers to the OA which is Annexure-IV. From the said orders dated 17.9.1991 of the Govt. of India, Ministry of Finance, Department of Revenue, it is quite evident that the applicant had been exonerated of all the charges that were framed against him in the Departmental enquiry. The applicant seems to have been promoted in the month of November, 1991, to the post of Income Tax Officer, Group-A without opening the said two sealed covers and taking into consideration of the recommendations of the departmental promotion Committee. So in view of the fact that the applicant had been exonerated of all the charges that were framed against him, it would be just and proper to give appropriate directions to the respondents while disposing this OA at the admission stage.

3. Hence, we direct the respondents to open the sealed cover of the month of January, 1986 and if the recommendations of the DPC disclose that the applicant is found eligible and suitable for promotion, then to give retrospective promotion to the applicant (as and when the same became due for the applicant) to the said post of Income Tax Officer, Group-A, in accordance with rules. If the recommendations of the DPC that met in January, 1986 are not in favour of the applicant, then we direct the respondents to open the sealed cover of the month of August, 1986 and further direct the respondents to implement the recommendations of the DPC if the said recommendations disclose that the applicant is eligible and suitable for promotion to the said post of Income Tax Officer, Group-A and give promotion to the applicant.

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from the due date. If the applicant is promoted, it is needless to point out that he is entitled to all consequential benefits including arrears of pay in accordance with law. This order shall be implemented within a period of 4 months from the date of communication of the same. A copy of this order shall be marked to the Chief Commissioner of Income Tax, Hyderabad, Andhra Pradesh for his information.

We make no order as to costs.

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

848/82
By. Registrar (Judl.)

Dated: The 29th July, 1992

(Dictated in the Open Court)

sd/mvl

Copy to:-

1. Secretary, Ministry of Finance, Department of Revenue, Govt. of India, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, North Block, New Delhi.
3. Chief Commissioner of Income Tax, Hyderabad, A.P.
4. One copy to Sri. ~~G.V.R.S.~~ G.V.R.S. Vara Prasad, advocate, 113/3-RT Vijayanagar colony, Hyd.
5. One copy to Sri. N. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One spare copy.

Handwritten
Rsm/-

pwp

O.A. 470/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 29/7/ -1992

ORDER / JUDGMENT

P.A./C.A./M.A. NO.

O.A. No.

in
470/92

T.A. No.

(W.P. No.)

Admitted and interim direction issued

Allowed

Disposed of with

Dismissed

Dismissed a