

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**C.P No. 191/2017
O.A No. 4635/2015
M.A No.1098/2017**

New Delhi, this the 6th day of February, 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Rakesh Mohan
Former Commissioner of Income-Tax,
Flat -3, IInd Floor, Belvedere Building,
Bhulabhai Desai Road,
Breach Candy - Mumbai-400026.

....Petitioner

(None)

Versus

1. Shri Prof. David R. Syliemlieh
Chairman,
Union of Public Service Commission,
Dholpur House,
Shahjahan Road, New Delhi-110069.
2. Dr. Rajeev Chandra Joshi
Additional Secretary,
Union of Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi-110069.
3. Dr. Hasmukh Adhia
Revenue Secretary,
North Block, New Delhi-110001
And also at : Bunglow No.60
New Moti Bagh, New Delhi -110023.
4. Ms. Rani Singh Nair
Former Chairperson, CBDT,
North Block, New Delhi-110001,
And also at: C-II/49, Satya Marg,
Chankayapuri, New Delhi.
5. Sh. Sushil Chandra,
Chairman, CBDT
North Block, New Delhi.

6. Smt. Nishi Singh
 Member, CBDT (P/V)
 North Block, New Delhi-110001,
 And also at:
 C-4, Tower-9,
 New Moti Bagh,
 New Delhi-110021.

....Respondents

(By Advocate: Mr. R. N. Singh)

ORDER (ORAL)

Justice Permod Kohli :

Vide order dated 04.03.2016 passed in O.A No. 4635/2015, following directions were passed :-

“19. In view of the aforementioned, the O.A stands allowed. UPSC is directed to convene the meeting of the DPC to review its recommendation dated 17.09.2013 made for promotion to CCIT within 4 weeks qua applicant by treating the ACR of the applicant for the period 2007-08 as “Very Good” and if found fit for such promotion, the applicant would be entitled to all such consequential benefits as granted to his immediate junior. It goes without saying that the benefit would remain subject to outcome of the aforementioned W.P. (C) 8235/2015 pending before Hon’ble High Court. No costs.”

2. Earlier, the respondents filed counter affidavit dated 05.10.2017 and in para 14 thereto, it is stated that the review DPC and DPC dated 17.09.2013 was held on 07.04.2017. After receiving the minutes of the said Review DPC, a proposal for seeking approval of the ACC for the empanelment of the applicant, inter alia, has been sent to DoP&T on 01.06.2017. However, the approval of the ACC is awaited.

3. Mr. R. N. Singh, learned counsel has placed on record Order No. 14 of 2018 and 15 of 2018 both dated 18.01.2018. Vide the first order the applicant has been promoted to the grade of Chief Commissioner of Income Tax (HAG) in the pay scale of Rs.67,000-

79,000/- (pre-revised) against the vacancy year 2013-14 on notional basis with effect from 17.12.2013. The name of the applicant figures at serial no. IV. His seniority has also been decided with effect from 31.12.2014. In this view of the matter, the judgment stands complied with. Nothing survives. Proceedings are hereby dropped.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/Mbt/