

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A.No.100/2320/2016

Thursday, this the 1<sup>st</sup> day of September 2016

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

T. Sasikumar  
(Civil List No.84048) Aged 59 years  
Commissioner of Income Tax (Appeal)-25  
Mumbai  
Residing at Flat No.11, F Block  
Hyderabad Estate  
Napean Sea Road, Mumbai – 400026

..Applicant

(Mr. Amit Sharma, Advocate)

Versus

1. Union of India through its Secretary (Revenue)  
Govt. of India  
Ministry of Finance  
Room No.46, North Block  
New Delhi – 110 001
2. The Secretary  
Union Public Service Commission  
Dholpur House, Shahjahan Road  
New Delhi – 110 069
3. The Chairman  
Central Board of Direct Taxes  
North Block, New Delhi – 110 001

..Respondents

(Mr. Hanu Bhasker, Advocate for respondent Nos. 1 and 3 –  
Mr. R N Singh, Advocate for Mr. R V Sinha, Advocate for respondent No.2)

## **O R D E R (ORAL)**

**Justice Permod Kohli:**

Notice.

2. Mr. Hanu Bhasker, learned standing counsel appears and accepts notice on behalf of respondent Nos. 1 & 3, and Mr. R N Singh for Mr. R V

Sinha, learned counsel, appears and accepts notice on behalf of respondent No.2.

3. The applicant is presently serving as Commissioner of Income Tax (Appeals). He seeks his consideration for promotion to the post of Principal Commissioner of Income Tax. It is stated that his case was not considered by the Departmental Promotion Committee (DPC) for the vacancy of 2013-14 in the meetings held on 30.04.2014 and 01.05.2014 on account of non-availability of the ACRs for the relevant period. It is further submitted that the DPC overlooked the fact that the applicant was on deputation to a foreign country and in such circumstances his ACRs for the relevant period were not prepared. A 'No APAR period certificate' has already been issued by the Chief Commissioner of Income Tax, Mumbai to the Central Board of Direct Taxes (CBDT). The applicant further relies upon the comments of the ACC dated 30.01.2015 whereby the Revenue Department was directed to hold a review DPC in respect of the eleven officers, including the applicant, whose name has been shown at Sl. No.11 in paragraph 4 of the comments of the ACC. The applicant has made a representation dated 26.11.2015 (Annexure A-8). Even the said representation has not been examined and considered by the respondents.

4. Keeping in view the above facts, the O.A. is being disposed of at the admission stage with a direction to the respondents to consider the aforesaid representation of the applicant in the light of the comments of the ACC and take a final decision by passing a reasoned and speaking order,

within a period of three months from the date of receipt of a copy of this Order.

**( K.N. Shrivastava )**  
**Member (A)**

**( Justice Permod Kohli )**  
**Chairman**

**September 1, 2016**  
/sunil/