

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00236/2018

Wednesday, this the 7th day of March, 2018.

CORAM:

**HON'BLE Mr. U. SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Mr. E.K. BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

Bindhu A.S, 48 years,
D/o. A.M. Shamsudheen,
Additional Commissioner of Income Tax,
Thiruvalla Range, Thiruvalla,
Residing at Anakkat House, N.A.D Post,
Nochima, Aluva, PIN – 683 563. - Applicant

[By Advocate Mr. M.R. Hariraj]

Versus

1. Union of India represented by the Secretary to Government of India, Department of Revenue, Ministry of Finance, North Block, New Delhi – 110 001.
2. Central Board of Direct Taxes, Represented by its Chairman Government of India, Ministry of Finance, Department of Revenue, North Block, New Delhi – 110 001.
3. Principal Chief Commissioner of Income Tax, Central Revenue Building, I.S. Press Road, Kochi – 682 018. - Respondents

[By Advocate : Mr. N. Anilkumar, Senior PCGC (R)]

The application having been heard on 07.03.2018, the Tribunal on the same day delivered the following:

O R D E R : (Oral)

Per: E.K. Bharat Bhushan, Administrative Member

Heard Mr. M.R. Hariraj, learned counsel for the applicant.

Mr. N. Anilkumar, Senior PCGC takes notice on behalf of the respondents.

2. The applicant is aggrieved by the refusal of the respondents to grant her Non-functional Financial Upgradation (NFU) while granting the same to her batch mates. She claims for NFU with effect from 22.08.2016 based on

her service record and APAR reports as revised by Annexure A-1 and A-2. Learned counsel for the applicant, Mr. M.R. Hariraj submits that the applicant had represented against her 'below benchmark' grading for the year 2014-15 wherein only 4 marks were awarded to the applicant. Subsequently, through proceedings of the Principal Chief Commissioner of Income Tax, Kerala, (Respondent No.3) dated, 05.04.2017 (Annexure A-2), the grading has been elevated to 6.29 marks, which is above the benchmark of 6. It is also seen that as per Government of India, Ministry of Finance, Department of Revenue communication dated 05.09.2016 (Annexure A-1), adverse remarks indicated in her APAR for the same year stand expunged.

2. Learned counsel for the applicant submits that the NFU may be granted to the applicant as early as possible, as she is due for functional upgradation in the immediate future. We feel that the interest of justice will be met, if respondent No. 1 viz., the Revenue Secretary, Ministry of Finance is directed to consider the representation made by the applicant (Annexure A-4) dated 21.12.2017 and take a considered decision taking into account proceedings at Annexure A-1 and A-2. This shall be done within a month positively, of receipt of a copy of this order.

3. The O.A is disposed of. No order as to costs.

(Dated, 7th March, 2018.)

**(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U. SARATHCHANDRAN)
JUDICIAL MEMBER**

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Applicant's Annexures

Annexure A1 A true copy of the Order No. F. No. A-28018/37/2015-DT/Per dated 5/9/2016.

Annexure A2 A true copy of the Order No. F. No. 55(a)/CC-CHN/APAR(Sub)/2016-2017 dated 5/4/2017.

Annexure A3 A true copy of the Notification No. 13 of 2017 (F. No. A-23012/6/2017-Ad.VI) dated 1/12/2017.

Annexure A4 A true copy of the representation dated 21/12/2017 submitted by the applicant to the Revenue Secretary, Ministry of Finance, New Delhi.

Respondents' Annexures

NIL
