

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00875/2019**

Jabalpur, this Tuesday, the 01<sup>st</sup> day of October, 2019

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER**  
**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

D.R. Lathoria (Civil code 05531)  
 Date of birth 10-07-1960, Son of Shri B.D.Lathoria,  
 Occupation Joint Commissioner of Income Tax  
 Gwalior Range-I, R/o A-9, New Govindpuri,  
 Sachin Tendulkar Road, City Centre, Gwalior 474011,  
 Mobile-8989672800,  
[Email-dr.lathoria@gmail.com](mailto:Email-dr.lathoria@gmail.com) -Applicant  
 (By Advocate –**Shri Sapan Usrethe**)

**V e r s u s**

1. Union of India, through its Revenue Secretary,  
 Ministry of Finance, Department of Revenue,  
 North Block, New Delhi-110001
2. Chairman, Central Board of Direct Taxes,  
 North Block, New Delhi-110001
3. Principal Chief Commissioner of Income Tax  
 Aayakar Bhawan, 48 Arera Hills, Hoshangabad Road,  
 Bhopal-462001
4. Secretary, Union Public Service Commission  
 Dholpur House, Shahjahan Road, New Delhi-110069
5. Shri Ashish Kumar Heliwal (Civil code 050301)  
 Addl. Commissioner of Income Tax (Project & System)  
 Presently posted at 3<sup>rd</sup> Floor Aayakar Bhawan, Maharshi  
 Karve Road, Mumbai-400020
6. Shri Ravi Kant Gupta (Civil Code 05032)  
 Addl. Commissioner of Income Tax (Hqrs/Admn.)  
 CR Building, IP Estate, New Delhi-110002 - Respondents

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

### **By Navin Tandon, AM:-**

The applicant is working as Joint Commissioner of Income Tax at Gwalior. He is aggrieved by his non promotion to selection grade (Additional Commissioner of Income Tax) even though his juniors have been promoted vide order dated 11.05.2018 (Annexure A-1), 12.12.2018 (Annexure A-12) and 19.08.2019 (Annexure A-13).

2. Learned counsel for the applicant submits that he has always obtained ‘Very Good’/Outstanding grading in his APARs except for the period 08.10.2014 to 28.02.2015 (Annexure A-7) wherein his grading was “2.64”.

3. The applicant had represented against this APAR. Ministry of Defence vide letter dated 18.10.2018 (Annexure A-14) has upgraded the APAR from “2.64” to “7”. Further the remarks and the comments given by the reporting officer are agreed to by the reviewing officer are expunged.

4. It is the case of the applicant that after the APAR of the year 2014-2015 (Annexure A-10) have been upgraded vide order dated 18.10.2018, his case should have been considered for promotion. Even subsequent promotion orders dated 12.12.2018 (Annexure A-12) and 19.08.2019 (Annexure A-13) have also not included his name.

5. The applicant has submitted his representations dated 15.11.2018 (Annexure A-15) and again on 27.08.2019 (Annexure A-17). It has been brought out by the learned counsel for the applicant that the applicant is going to superannuate on 31.07.2020.

6. Learned counsel for the applicant submits that the said representation has not been decided so far. He further submits that the applicant would be satisfied if the respondents are directed to decide the representation in a time bound manner.

7. Accordingly, this Original Application is disposed of, at admission stage, without going into the merits of the case, by directing the competent authority of the respondents to decide applicant's representations dated 15.11.2018 (Annexure A-15) and again on 27.08.2019 (Annexure A-17), if not already decided, with a reasoned and speaking order within a period of 60 days from the date of receipt of a certified copy of this order and the decision so taken may be communicated to the applicant.

**(Ramesh Singh Thakur)**  
**Judicial Member**  
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**(Navin Tandon)**  
**Administrative Member**