

Central Administrative Tribunal
Principal Bench

O.A. No. 436 of 2002

New Delhi, dated this the 22nd February 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. Association of the EDP of Income Tax Department, through its Secretary Dr. Anil Kumar, Asstt. Director (Systems) having its office at 19, MIG flats, Prasad Nagar, New Delhi-5.
2. Romesh Chander, Deputy Director (Systems), Directorate of Income Tax (Systems), New Delhi.
3. Rajdeep Singh, Asstt. Director (Systems), Income Tax Department, Patiala, Punjab.
4. R.K. Aahirwar, Deputy Director (Systems), Income Tax Department, Allahabad (UP)
5. Rajnish Batra, Asstt. Director (Systems), Directorate of Income Tax (Systems), New Delhi.
6. Jayant Barua, DPA, Directorate of Income Tax (Systems), New Delhi.
7. Om Prakash, Deputy Director (Systems), Directorate of Income Tax (Systems), New Delhi.
8. K.K. Nagar, Deputy Director (Systems), Directorate of Income Tax (Systems), New Delhi.
9. S. Ranganathan, Asstt. Director (Systems), Income Tax Department, Pune.
10. M. Jagadeesan, Asstt. Director (Systems), Income Tax Department, Nasik.
11. Rita Tulsaney, Deputy Director (Systems), Directorate of Income Tax (Systems), New Delhi.



12. P. Narayanappa,
Deputy Director (Systems),
Income-Tax Department,
Bangalore.

13. Alok Srivastava,
Deputy Director (Systems),
Directorate of Income Tax (Systems),
New Delhi.

14. Bhartendo Dobriyal,
Deputy Director (Systems),
Directorate of Income Tax (Systems),
New Delhi.

15. Vijay Kumar,
Deputy Director (Systems),
Income Tax Department,
Kanpur (UP) .. Applicants.
(By Advocate: Shri K.G. Bhagat)

Versus

1. Union of India,
through
Secretary Finance,
Ministry of Finance,
North Block,
New Delhi.

2. The Secretary,
Department of Revenue,
North Block,
New Delhi.

3. The Secretary,
Department of Expenditure,
North Block,
New Delhi.

4. The Chairman,
Central Board of Direct Taxes,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi.

5. The Director General of Income Tax (Systems),
602, Mayur Bhawan, Connaught Place,
New Delhi. .. Respondents.

ORDER

S. R. ADIGE, VC (A)

Applicants impugn respondents' order dated 15.9.2001 (Annexure-H) restructuring the Income Tax Department as also respondents' letter dated 23.5.2001 whereby respondents have turned down the



proposal regarding creation of 278 EDP posts for computerisation in Income Tax Department. They seek a direction to immediately implement the proposal of sanctioning of the additional posts for EDP cadre and to earmark the posts of computer operations/systems etc. for EDP cadre and not from IRS cadre. They further seek a direction to grant promotional avenues to EDP cadre at par with their counterparts.

2. We have heard applicants' counsel Shri K.G. Bhagat.

3. The contents of the OA reveal that while earlier there was a proposal for creation of additional posts for EDP cadre in Income Tax Department to handle computerisation work, consequent to the restructuring of the Income Tax Department as a whole, the proposal for creation of these additional posts numbering 278 in EDP cadre has been dropped.

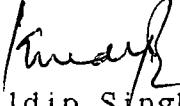
4. The Hon'ble Supreme Court has held in a catena of rulings that the question of creating/abolishing posts is a matter strictly within the jurisdiction of the executive authorities. Applicants have no enforceable legal right to compel respondents to create posts and neither has the Tribunal any jurisdiction to direct respondents to create posts. A perusal of the contents of the OA also reveals that it is not the case of applicants that the aforesaid posts have not been created because of malafides on the part of any individual or



(S)

group of individuals.

5. Under the circumstances the impugned orders warrant no interference and the OA is dismissed in limine. However, nothing contained in this order will preclude respondents from themselves creating any or all the aforesaid posts, if they are so disposed to do.



(Kuldip Singh)
Member (J)



(S.R. Adige)
Vice Chairman (A)

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