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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1457/2002

MA No 166/2002

Thursday, this the 30th day of May, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Urba Dutt
son of late Shri Bal Krishan
R/O A-34 Gali No.5,
East Vinod Nagar
Delhi-91
2. Devender Kumar
son of Shri Shiv Kumar
R/O C-1/367 Gali No.26
Khajoori Khas
Delhi-94
3. Bhopal Singh
son of Shri Govind Singh
R/O 285 Income Tax Colony
Pitam Pura
Delhi-34
4. Jai Ram
son of Shri Bishan Lal
R/O T-1/4 MES Quarters
Kabul Lane
Delhi Cantt.-10

. . . Applicants

(By Advocate: Shri Bharat Bhushan Kaushik)

Versus

1. Union of India
through its Secretary
Ministry of Finance
Govt. of India, New Delhi
2. The Chairman
Central Board of Direct Taxes
North Block
New Delhi
3. The Chief Commissioner of Income Tax
Delhi-1
C.R.Building
I.P.Estate
New Delhi

. . . Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

All the four applicants in the present OA, who
were Peons in the Office of the Chief Commissioner of

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(2)

Income Tax, Delhi, have been regularized as LDCs after passing the necessary test w.e.f. 31.7.1997 (A-E). They have thereafter cleared the departmental examination for further promotion to the post of UDC. All of them have been brought on the select list prepared for the purpose and ~~are~~ available at A-A. The same is dated 24.10.2000.

The list contains 44 names. The applicants are placed at S1.Nos.39 to 4~~1~~ and 43. The learned counsel appearing on behalf of the applicants submits that the aforesaid list (select list) is likely to be utilized as a seniority list for the purpose of promotion to the post of UDC. The applicants, according to him, cleared the qualifying test in 1994, 1995 and 1996 and are, therefore, to be placed higher than the others who have cleared the said test after 1996. The LDCs placed above the applicants in the aforesaid select list have all cleared the said departmental test after 1996 and, on this basis, they should be treated as juniors to the applicants. We have perused the aforesaid list and find that the same does not claim to be a seniority list. On the other hand, the year of passing the prescribed examination has been clearly indicated in the aforesaid select list which will finally determine the inter-se-seniority of the persons figuring on the said list. The names of the applicants have been correctly shown, ^{✓ by indicating} ~~mentioning~~ the year of passing of the examination. The applicants, in our view, therefore, need not entertain any apprehension that they are likely to be treated as juniors merely because their names have been listed towards the end of the select list.

2. Having been empanelled and placed on the select list as above, the applicants have become entitled to be

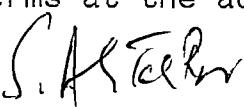
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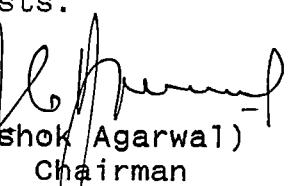
(3)

considered for promotion to the post of UDC in accordance with the rules. Each of them has been regularized as LDC w.e.f. 31.7.1997. Thus, in accordance with the rule position, they have become eligible to be considered for promotion to the post of UDC. The rules, according to the learned counsel, provide that an LDC should have completed three years of regular service as on 1st January of the year in which the vacancies are to be filled by promotion. In this view of the matter, the applicants have been rendered eligible for consideration for promotion with reference to the eligibility date of 1.1.2001. The learned counsel submits that as many as 50 posts of UDC are available against which the applicants can be considered for promotion *in accordance with their seniority.*

3. Having regard to the submissions made by the learned counsel and the aforesated facts and circumstances, we find that it will be just and in order to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the representations made by the applicants for promotion to the post of UDC as expeditiously as possible. We direct accordingly.

4. The present OA is disposed of in the aforesated terms at the admission stage itself. No costs.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

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