

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

O.A.1158/97

New Delhi, this the 17th day of October, 1997.

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN (J)  
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Sh. Kashmiri Lal  
S/o late Shri Munshi Lal,  
R/o Sector IV/1221, R.K. Puram,  
New Delhi.
2. Sh. Dharam Pal,  
S/o late Shri Harkesh,  
R/o Vill. Dhulpura, Kalyanpuri,  
Delhi-91.
3. Ms. Kamlesh Wadhwa,  
W/o Sh. Ramesh Kumar,  
AG-174, Shalimar Bagh,  
Delhi-52.
4. Sh. Amar Singh,  
S/o late Sh. Sher Singh,  
R/o 51/43B, Pandu Nagar,  
Delhi-92.
5. Sh. Milap Chand Rana,  
S/o Shri J.R. Rana,  
9/349, Lalita Park,  
Laxminagar, Delhi-92.

..... Applicants

(By advocate Shri S.C. Luthra)

Versus

1. Union of India, through  
Secretary,  
Ministry of Finance,  
North Block, New Delhi.
2. Secretary,  
Central Board of Direct Taxes,  
Deptt. of Revenue,  
Ministry of Finance,  
New Delhi.
3. Chief Commissioner of Income Tax,  
C.R. Bldg., I.P. Estate,  
New Delhi-110 002.

..... Respondents

(By advocate Shri V.P. Uppal)

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ORDER(ORAL)

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN(J)

(7)

The relief sought in this petition is that the petitioners are stated to be in the residual panel prepared by the DPC held on 21.5.96. After appointment from amongst the panel, the allegation is that the respondents have illegally stopped promoting the incumbents from the panel.

After notice, respondents have filed the reply and stated that initially all UDCs who had rendered 3 years of service and had secured at least 40% marks in any of the two out of four subjects, were considered as eligible for empanelment and accordingly the DPC considered 22 candidates who were eligible on that date for promotion comprising of 12 persons from general category and 10 from SC category. Thereafter, out of this panel, 2 persons from general category and 10 from SC category were promoted as against the available respective quota; and thereafter, according to the respondents, for want of vacancies, the panel was abandoned. It is also stated that the relaxation given at the time of DPC on 21.5.96 was subsequently withdrawn. Hence, the procedure was adopted to have new DPC.

Aggrieved by this process of selection adopted by the respondents, petitioners approached only for grant of relief for operating the residual panel of 10 general candidates. The counsel for

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applicant also drew our attention to an order passed by the respondent on 30.4.97 by which a good number of employees have been promoted, showing thereby the availability of vacancies. (8)

We are not inclined to pass any order on this O.A., as filed and pressed.

Under the circumstances, the counsel for petitioner sought permission to withdraw this O.A. with the liberty to file a fresh one, incorporating all the reliefs that will be available to them including that have arisen, due to the subsequent events that have taken place.

We are of the considered view that the petitioners can be permitted to file a fresh O.A. permitting them to withdraw this O.A. Ordered accordingly.

No order as to costs.

  
( K. MUTHUKUMAR )  
MEMBER(A)

  
( DR. JOSE P. VERGHESE )  
VICE CHAIRMAN(J)

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