

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(J)

O.A. No. 2054 of 1997 Decided on: 10.3.98

A.S. Bisht & Ors. Applicant(s)
(By Advocate: Shri D.R. Gupta)

VERSUS

U.O.I. & Anr. Respondents
(By Advocate: Shri V.P.Uppal)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO

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(S.R. ADIGE)
VICE CHAIRMAN (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2054 of 1997

New Delhi, dated the 10th March 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

1. shri A.S.Bisht
2. Shri Devraj Sharma
3. Shri Naresh Kumar

all the above employed
as UDC, O/o Commissioner
of Income Tax, CR Building,
I.P.Estate,
New Delhi-110002

... APPLICANTS

(By Advocate: Shri D.R.Gupta)

VERSUS

1. Union of India through
the Chief Commissioner of Income Tax
(Admn.)
C.R. Building,
I.P. Estate,
New Delhi.
2. The Commissioner of Income Tax (HQ),
C.R. Building,
I.P. Estate,
New Delhi. ... RESPONDENTS

(By Advocate: Shri V.P.Uppal)

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants impugn respondents' order
dated 24.4.95 (Ann. A-1) and seek promotion
as Tax Assistants w.e.f. the date their
immediate juniors were promoted with all
consequential benefits.

2. Admittedly applicants as well as
three persons in respect of whom they are
aggrieved namely S/Shri S. Makhija, J.Yadav
and A.K. Gupta sat for the departmental
examination held by respondents for making

(9)

ad hoc promotions to posts of Tax ^{Assistants} ~~Inspectors~~, on 30.12.94. Applicants were not successful, while Shri Makhija and two others cleared the same and were promoted on ad hoc basis vide order dated 24.4.95. Applicants reappeared for that examination in 1996, the result of which was declared on 24.12.96. Respondents state in their reply that applicants' names appear at Sl.No. 82, 85 and 87 of the proposed eligibility list circulated on 19.3.97. It is further stated that a DPC was convened on 28.4.97 and a total of 81 officials were empanelled for promotion to cadre of Tax ^{Assistants} ~~Inspectors~~. It is further stated that applicants were also considered and they were placed at Sl. No. 90, 95 & 96 of the gradation chart. Since only 81 officials were empanelled on the basis of available vacancies, applicants could not be included in the select panel.

3. We have ^{heard} applicants' counsel Shri D.R. Gupta and respondents' counsel Shri Uppal.

4. Shri Gupta has invited our attention to DP&T's O.M. dated 30.3.88 (referred to in rejoinder) which requires periodic review of ad hoc appointments to be made with regard to their continuance or otherwise. We also notice that respondents in their reply filed

on 16.10.97 have themselves stated that when the ^{next} ~~next~~ vacancies arise, the applicant's claim for ad hoc appointment as Tax Assistants will be considered in case persons approved for regular promotions are not available.

5. We dispose of this O.A. with a direction to respondents to consider applicants' claim for promotion as Tax Assistants after reviewing the ad hoc appointments already made in terms of DP&T's O.M. dated 30.3.88 and the availability of vacancies, within three months from the date of receipt of a copy of this order. No costs.

Lakshmi Swaminathan

(Mrs. LAKSHMI SWAMINATHAN)

Member (J) Vice Chairman (A)

/GK/

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(S.R. ADIGE)