

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CP NO. 204/2002
DA NO. 2516/2000

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This the 23rd day of July, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A.T. RIZVI, MEMBER (A)

In the matter of :

1. S.R. Gautam
S/o Late Shri J.P. Gautam,
Aged 56 years
R/o Flat No. 1180, Laxmi Bai Nagar,
New Delhi.
2. Rakesh Bhushan,
S/o Late Sh. Bharat Bhushan
Aged 48 years
R/o 139, Ram Nagar,
Delhi-110 051.
3. V. Swaroop
S/o Sh. B.S. Sharma,
Aged 54 years
R/o Sector IV-391, R.K. Puram
New Delhi- 110 019.
4. Praveen Punj
S/o Sh. M.R. Punj,
Aged 42 years
R/o L-II/131-A, DDA Flats,
Kalkaji,
New Delhi-110 019.
5. Amita Sharma
W/o Sh. Ashwini Sharma
Aged 40 years
R/o E-16, Green Park Extension
New Delhi.

... Applicants

(By Advocate: Sh. A.K. Batra)

Versus

1. Sh. S. Narayanan
Secretary, Ministry of Finance
Department of Revenue
North Block,
New Delhi- 110 001.
2. Sh. P.K. Sarma,
Chairman, Central Board of Direct Taxes
North Block,
New Delhi- 110 001.
3. Sh. P.L. Singh,
Chief Commissioner of Income Tax,
Income Tax Office, C.R. Building,
New Delhi.

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4. Sh. S.S. Khan,
 Director, Income Tax (Systems)
 ARA Building, Jhandewalan Extension,
 New Delhi. Respondents.

(By Advocate: Sh. N.S. Mehta alongwith
 Sh. Rajinder Nischal)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

This is a CP filed by S.R. Gautam and others whereby they are alleging non-compliance of the directions given by this Tribunal in their order dated 19.4.2001 while deciding OA No. 2516/2000. The Tribunal while deciding the OA, had given the following directions:

"iii) Declare that the service rendered by the applicants as Programme Assistant/Console Operator from the date of their initial deputation to the date of their absorption is regular service for the purpose of being considered for promotion as Programmer, Group 'A'/Assistant Director System;

iii) Direct the respondents to consider the applicants for promotion as Programmer Group 'A'/Assistant Director System from the date, if found fit by the DPC/review DPC with all consequential benefits;"

2. Learned counsel appearing for the applicant submits that the respondents have only issued an order dated 27-28.6.2002 whereby they have granted only ad hoc promotions which is not in consonance with the directions given by this Tribunal. As

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against this Sh. Mehta appearing for the respondents submitted that this Tribunal had given two fold directions as noted in their order dated 19.4.2001. As regards counting of his service as regular from the date of initial deputation to the date of absorption is concerned the respondents have passed an order dated 24.5.2002 whereby the services rendered by Data Processing Assistants Grade-B as Programme Assistant/Console Operator from the date of their initial deputation to the date of their absorption are declared as regular service for the purpose of being considered for promotion as Programmer Group 'A'/Assistant Director Systems.

3. We have gone through the order dated 24.5.2002 and list the name of 5 persons S/Sh. Rakesh Bhushan, Virender Swaroop, S.R.Gautam, Praveen Punj and Ms. Amita Sharma who are all the applicants in the OA. The perusal of the order show that the first part of the direction as given by Tribunal on 19.4.2001 stands complied with. Applicants also have no grievance about the same.

4. As regards the second direction to consider the applicants for promotion as Programmer Group 'A'/Assistant Director System by holding a review DPC are concerned respondents had also pointed out that they had sent a proposal to UPSC and also received a reply from UPSC who seeks certain clarification and more information and documents as listed in the Annexures. It is also informed that respondents have already sent requisite information to the UPSC and it is now for the UPSC to hold the review DPC so that the promotion of the applicants can be done. Respondents further submitted that it will take at least 6 months time to hold the review DPC as there is difficulty in securing dates for meeting of

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holding review OPC. Considering this request of the respondents, we find that already sufficient time had been taken, so we direct 4 months time would be enough for finalising the review OPC. Respondents shall depute an officer to chase up the mater. The CP be sent to record room and if any grievance survives, applicant is at liberty to revive the same.



(S.A.T. RIZVI)
Member (A)



(KULDIP SINGH)
Member (J)

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