

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.198/2020

This the 24th day of July, 2020

Ramjilal Meena

S/o. Kalyan Sahaya MeenaP

Aged : 55 years, (DOB being 25.9.1964)

Presently working as Income Tax Officer

O/o. Principal Commissioner of Income Tax (ReAC)-2,
Ahmedabad.

Address : 3rd Floor, Room No.A-302, Pratyaksh Kar Bhawan,

Opp. Govt. Polytechnic, Ambawadi,

Ahmedabad 380 015. Applicant

(By Advocate : Shri Hardik V.Vora)

VERSUS

1. Union of India, through its Secretary,
Ministry of Finance, Government of India
Department of Revenue,
Room No. 46, North Block,
New Delhi 110 001.
2. Pr. Commissioner of Income Tax (reAC)-2 Ahmedabad
3rd Floor, Room No.A-302
Pratyaksh Kar Bhawan,
Opp. Govt. Polytechnic, Ambawadi,
Ahmedabad 380 015.
3. Pr. Chief Commissioner of Income Tax, Gujarat
Room No. 206, Second Floor, Aaykar Bhavan,
Ashram Road,
Ahmedabad - 380 009.**Respondents**

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, it is the case of the Applicant that presently he
is working as Income Tax Officer in the office of the Principal

CAT, Ahmedabad Bench

Commissioner of Income Tax (ReAC)-2, Ahmedabad under the controlling office of the Respondent No.3 i.e. Principal Chief Commissioner of Income Tax, Gujarat.

2. The Applicant was appointed on 03.6.1993 as Inspector of Income Tax (DR) at Ahmedabad. It is further submitted that vide notification dated 21.12.2004, in supersession of the 1999 Rules, Income Tax Officer, Group 'B' Posts, Recruitment Rules, 2004 was issued and the pre-condition regarding the eligibility of passing in the departmental examination for Income Tax Officer was deleted. According to the Applicant, no departmental examination was conducted in the year 2004 & 2005 and promotions were released on the *ad hoc* basis. Again, vide notification dated 24.03.2005, Income Tax Officer, Group 'B' Posts, Recruitment (Amendment) Rules, 2005 was issued which came into force w.e.f. 21.12.2004 with retrospective effect and pre-condition of qualifying in the departmental examination for Income Tax Officer was re-introduced. He appeared in the departmental examination held on October, 2006 for the post of Income Tax Officer and qualified the said examination on 17.4.2007 and thus, was promoted to the said post and posted at the office of CCIT, Rajkot on 09.5.2007 whereby he was allotted bottom seniority after considering all the DPCs declared earlier. In view of this, the Applicant preferred representation dated 02.03.2020 (Annexure A-1) for reallocating his seniority on the basis of 2003 examination.

However, for one reason or other, the representation of the Applicant is not decided till date. Hence, this OA.

3. After arguing for some time, counsel for the applicant submits that the applicant will be satisfied, if appropriate direction be issued to the respondents for expeditious consideration of his pending representation dated 02.03.2020 (Annexure A-1).

4. Considering the aforesaid submissions of the counsel for the Applicant, in the interest of justice, the OA is disposed of with direction to the Respondents, if the representation of the Applicant is yet not decided, the same shall be considered and decide within a period of two months from the date of receipt of a copy of this order and decision whatsoever is taken shall be intimated to the Applicant within fifteen days thereafter. It is made clear that this Tribunal has not expressed any opinion on the merits of the case.

5. In view of the above, the OA is dismissed as withdrawn. No costs.

(J.V.Bhairavia)
Member (J)

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