

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 684 1986
T.A. No.

DATE OF DECISION 19.5.87

Shri A.K. Maurya & another ~~Petitioner~~ ^{Applicants}
Ms. Sandhya Goswami, ^{Applicant} Advocate for the ~~Petitioner(s)~~

Versus

Union of India & Others Respondents

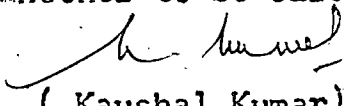
Mrs. Raj Kumari Chopra, Advocate for the Respondent(s)

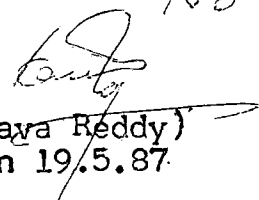
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ? No


(Kaushal Kumar)
Member 19.5.87


(K. Madhava Reddy)
Chairman 19.5.87

CENTRAL

ADMINISTRATIVE
PRINCIPAL BENCH
NEW DELHI.

TRIBUNAL

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REGN. NO. OA 684/86

Dated: 19.5.1987

Shri A.K.Maurya & another Applicants

Vs.

Union of India & others Respondents

CORAM: Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member (A).

For the Applicants Ms. Sandhya Goswami,
counsel.

For Respondents 1, 2 & 3 Mrs. Raj Kumari Chopra,
counsel

S/Shri Hem Raj, R.K. Mehta,
S.K. Mehra and R.P. Anand

Respondents present in
person.

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

This is an application under Section 19 of the
Administrative Tribunals Act, 1985 by Inspectors in the
Income Tax Department in the Delhi Charge. Apprehending
that even before the results of the Departmental
Qualifying Examination held in June 1986 were declared,
an interim Departmental Promotion Committee may be held
and promotions made, seriously affecting their chances
of being included in the list, the applicants have
moved this Tribunal for a direction:-

"(a) that the Departmental Promotion Committee
of Income Tax Officers (Group B) for the
year 1986 be postponed and held after the
declaration of the results of the Departmental
Income Tax Officers Qualifying Examination
which was held in June 1986 in the Income Tax
Department(Delhi Charge)

(b) that in case any interim Departmental

Promotion Committee is held before the result is declared, then the applicants be considered by the same and the recommendations of the Departmental Promotion Committee be kept in a sealed cover, only to be opened after the declaration of the result.....

The applicants have also prayed for interim orders to stay the holding of the Departmental Promotion Committee for selection of Income Tax Officers (Group B) for the year 1986 during the pendency of the application.

2. This Tribunal made an interim order on 11.9.1986 staying the holding of the Departmental Promotion Committee pending further orders. On 19.9.86 the operation of that order was confined to the Delhi Charge. Later, after hearing the counsel for both the parties, the interim stay orders were made absolute but with liberty to the Respondents to move the Tribunal for appropriate directions if the results are declared in the meanwhile. The results of the Departmental Qualifying Examination held in June 1986 have since been declared. In view of these interim orders and the declaration of the results, the apprehension of the applicants that the Departmental Promotion Committee may be held even before the results are declared and that they may not be considered for inclusion in the panel is allayed. Having regard to the pleadings, what remains to be considered in this application is whether there are any vacancies in Group B and, if so, how many and what should be the zone of consideration. By way of supplementary affidavit, the applicants have averred that there are 19 vacancies and if as per the usual procedure, candidates three times the number of vacancies are considered, sufficient number of Scheduled Caste and Scheduled Tribe candidates may not come up for consideration, the zone

of consideration should be enlarged to five times the number of vacancies. For this purpose, the Departmental Promotion Committee should assess the number of existing vacancies and vacancies likely to occur during the course of the year for determining the zone of consideration. In their reply to the affidavit filed on behalf of the applicants in MP No.135/87, on behalf of the Respondents Shri S.C.Bahl, Chief Commissioner of Income-tax, Delhi-I, New Delhi in paragraph 8 has averred as under:-

"8. The contention that there are 19 vacancies of Income-tax Officers Group 'B' existing in the Department is denied. Select panel of Inspectors was based on the following assumptions:-

1. That the excess of working Group 'B' Officers over sanctioned number shall be allowed to continue at the present level, in the light of shortage of Group 'A' Officers and as a consequence the vacancies arising out of retirement of 19 Group 'B' Officers shall also be filled up; and
2. That sanction of 20 new posts of A.D.I.'s will result in 10 Group 'B' officers being promoted to Group 'A' creating 10 vacancies in Group 'B'.

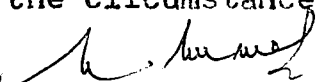
Departmental Promotion Committee shall have all the facts before it for considering a select panel of Group 'B', if any."

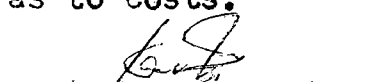
3. From this statement it is clear that while no vacancy existed as on 4.3.1987, 19 vacancies in Group 'B' were anticipated in view of the retirement of 19 Group 'B' Officers and that a decision to fill up these vacancies even by continuing the excess Group 'B' Officers over the sanctioned strength, was taken. It is further averred that the sanction of 20 new posts of A.D.Is will result in 10 Group 'B' Officers being promoted to Group 'A', creating 10 more vacancies in Group 'B'. Thus there would be 29

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vacancies(anticipated). Whenever a Departmental Promotion Committee meets to prepare a panel, it will take into account not only the existing vacancies but also vacancies occurring during the course of the year. Even according to the above averment of the Respondents, 29 vacancies would occur, a panel of 29 Officers has to be prepared for promotion to Group 'B'. In case sufficient number of Scheduled Caste and Scheduled Tribe candidates do not fall within the zone of consideration if the Respondents determine it at three times the number of vacancies, they would have to enlarge it to five times the number of candidates for drawing up the panel. In making the appointments, they would of course have to follow the roster governing the recruitment rules for the selection and appointment of Scheduled Caste and Scheduled Tribe candidates.

4. There shall, therefore, be a direction to hold a Departmental Promotion Committee on the basis that the anticipated vacancies are 29 and consider all the eligible candidates falling within the zone of consideration. They shall draw up a panel of 29 candidates for promotion to Group 'B' and make appointments of candidates included in the panel in accordance with the roster. The Departmental Promotion Committee shall be held at the earliest and in any case before the next Departmental Qualifying Examination is held. This application is accordingly allowed but in the circumstances with no order as to costs.


(Kaushal Kumar)
Member
19.5.87


(K. Madhava Reddy)
Chairman
19.5.87