

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

CCP-106/89 In
O.A. No. 1085/89
T.A. No.

198 9

DATE OF DECISION

3.11.1989

Shri Prabhu Lal & Another Applicant(s)

Shri S. K. Bisaria Advocate for the Applicant (s)

Versus

Shri N.P. Bhatt, Respondent(s)

Chief Commissioner (Admn.),

Income Tax Department

Shri N.P. Bhatt

Advocat for the Respondent (s)

CORAM :

The Hon'ble Mr. P. K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. I. K. Rasgotra, Administrative Member.

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

ORDER

(delivered by Hon'ble Shri P.K. Kartha, V.C.)

This petition has been filed by the original applicant in OA-1085/89 in which an interim order was passed by the Tribunal on 24.5.1989 to the effect that "the respondents are directed not to make any promotion to the post of Income Tax Inspector except in accordance with the Rules and Instructions applicable to reservation in favour of Scheduled Castes and Scheduled Tribes."

2. It has been stated in the petition that on 8.6.89, the respondents declared a list of promotees consisting of 32 persons in which no candidate belonging to the Scheduled Castes and Scheduled Tribes has been included. According to the petitioner, this is in violation of the Tribunal's

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order dated 24.5.1989.

3. The respondents have contended in their reply that they have not violated the interim order passed by the Tribunal and that they have followed the recruitment rules and the 40-Point Roster while preparing the list. According to them, promotion ^{or} ~~order~~ to the cadre of Inspectors of Income Tax is governed by the instructions of the Department of Revenue contained in letter No.32011/2/86-Ad.VII dated 26.8.1987. According to these instructions, the total number of vacancies have to be apportioned between ministerial cadre and Stenographer Cadre in the ratio of 3:1. Vacancies to be filled by SC/ST officials have been worked out separately under each category. They have further pointed out that the post of Inspector is a selection post and that the candidates should fulfil the eligibility conditions prescribed in the recruitment rules. No relaxation is admissible to SC/ST candidates in this regard. Those belonging to the reserved category, and who are within the zone of consideration, have been considered while preparing the list of 32 persons.

4. The respondents have also placed before us the proceedings of the D.P.C. from which it is seen that no Scheduled Caste candidate has come within the first 32 candidates who have been empanelled. However, out of the 64 candidates who were considered by the D.P.C., some of them figure at serial numbers between 33 and 64. We have no reason to doubt that the respondents will not consider the suitability of the persons belonging to the reserved category as and when sufficient vacancies arise for their empanelment. In our opinion, there is no ^{or}

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wilful disobedience of the Tribunal's order dated
24.5.1989. In view thereof, the C.C.P. is discharged.
The parties will bear their own costs.

Subhash
(I.K. Rasgotra) 31/1/89
Administrative Member

Subhash
(P.K. Kartha) 31/1/89
Vice-Chairman (Judl.)