

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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...
MA.No.1614/97
OA.No.3106/91

Dated New Delhi, this 29th day of July, 1997.

HON'BLE DR J. P. VERGHESE, VICE CHAIRMAN (J)
HON'BLE MR K. MUTHUKUMAR, MEMBER (A)

S. C. Jain
R/o H.No.7278
Gali No.2 Prem Nagar
Subji Mandi
DELHI-7..

... Applicant

By Advocate: Ms Anupama Chandna, proxy
counsel for Mrs Avnish Ahlawat.

versus

1. Union of India, through
Secretary
Ministry of Finance
NEW DELHI.

2. Central Board of Direct Taxes
North Block
through Chairman, New Delhi.

2. Chief Commissioner (Admn.)
Income Tax
Central Revenue Building
C.R. Building
NEW DELHI.

... Respondents

By Advocate: None..

O R D E R (Oral)

Dr J. P. Verghese, VC(J)

The petitioner in this case is seeking a direction that his seniority in the seniority list of Inspectors dated 22.9.88 may be corrected and his name may be placed at sl.No.492. The petitioner also seeks direction from this court that subsequent DPCs may be quashed as the same did not consider the name of the applicant for appointment to the post of Income Tax Officer.

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2. Notices were issued in this case and the reply has been filed by the respondents vide counter reply dated 14.10.93 in which the respondents have admitted the case of the petitioner. It was stated in para-2 of the counter reply on behalf of the respondents that the petitioner was promoted vide order No.83/NGO dated 31.7.81 to officiate as Inspector of Income Tax from the date he took over as Inspector and until further orders. It was also admitted that in this order the name of the applicant was shown at sl. No.1. It was further stated in the same para that the appointment of the petitioner was regularised in the cadre of Inspector with effect from 1.5.85 and his name was to be included in the seniority list of Inspectors at appropriate place viz., 491, but was not shown inadvertently and the same is stated to have been rectified by the respondents.

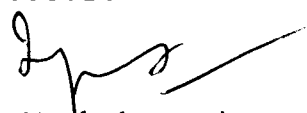
3. The matter came up for final hearing on the regular board and the same happened to be dismissed for default. The petitioner now has filed an MA for restoration of the OA and notices were issued to the respondents on the said application and since the matter was that of 1991, we retain the restoration application to be disposed of alongwith the OA itself. The MA for restoration is, therefore, allowed.

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4. The matter has now come up after the same had been adjourned on the last date of hearing to enable the parties to make early submissions. We have heard the proxy counsel for the petitioner and none has appeared on behalf of the respondents. In view of the submissions made by the respondents in their reply it is directed that the seniority of the petitioner may be placed in the seniority list of 1988 at sl.No.491 and the petitioner will be entitled to all consequential benefits in accordance with rules. It is made clear that the subsequent DPCs after incorporating the name of the petitioner at sl.No.491, if otherwise eligible or falls within the zone of consideration through a review DPC which the respondents shall hold within two months from the date of receipt of a copy of this order and in case the petitioner is found fit for promotion to the post of Income Tax Officer, all the benefits in accordance with rules may be granted to him. After the review DPC is held, the results thereon are also to be intimated by the respondents.

5. With these, the OA is disposed of. No order as to costs.


(K. Muthukumar)
Member(A)


(Dr J. P. Verghese)
Vice Chairman (J)