

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 15<sup>th</sup> day of May, 2001.

Coram: Hon'ble Mr. S. Dayal, AM

Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO. 617 OF 1996

P.K. Kapoor,

s/o late C.L. Kapoor,

r/o 57 Kailash Vihar,

Agra-Mathura Bye-Pass, Agra,

at present working as

Income Tax Inspector.

. . . . . Applicant

(By Advocate: Sri V.K. Buman )

Versus

1. Union of India through Finance Secretary.

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

3. Commissioner of Income Tax,  
Kanpur.

. . . . . Opp. Parties

(By Advocate: Sri Amit Sthalekar)

O R D E R (RESERVED)

(By Hon'ble Mr. S. Dayal, AM)

This application has been filed for seeking the relief of restoration of status of the applicant as Steno (O.G.), besides representation dated 25.9.95 and to consider the applicant for the post of Income Tax Officer.

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2. The case of the applicant is that he joined the service as LDC/Steno-Typist in the pay-scale of Rs.110- 180/- on 5.12.66. The applicant was promoted as UDC/Technical Assistant on 13-4-70. He represented to the Central Board of Direct Taxes for restoration of his status as Steno (OG) on 4-9-84 and by an order dated 18-4-85 the status of the applicant was restored to that of Steno (OG). However, by a subsequent order dated 17-2-86 the respondents withheld the earlier order dated 18-4-85 till further orders were issued by the Central Board of Direct Taxes. The applicant represented to the Secretary, Central Board of Direct Taxes that the order dated 18-4-85 be implemented. He filed O.A. No.810 of 1986 in the Central Administrative Tribunal, Allahabad, as the respondents did not take action on his said representation. By the order dated 15-5-91, the Tribunal directed the Central Board of Direct Taxes to dispose of representation of the applicant within three months. It is claimed by the applicant that an S.L.P. was filed and in 1985, he came to know that the SLP had not been admitted.

3. The arguments of Sri V.K. Buman for the applicant and Sri Amit Sthalekar for the respondents have been heard.

4. The applicant has come to this Tribunal for enforcement of his right to be restored to the cadre of Steno (O.G.). This right is claimed on the basis of option given by the applicant to remain

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as Stenographer (O.G.) in the year 1969. We find from Annexure A-2 and A-3 that the Central Board of Direct Taxes had initially accepted the request of the applicant and cancelled the order dated 13-4-70, reverting the applicant to the clerical cadre and promoting him as UDC and the applicant was to be allowed all the consequential benefits from the date of his reversion. This order dated 18-4-85 was, however, withheld by an order dated 17-2-86 until further orders were issued by the Central Board of Direct Taxes. The applicant made a representation dated 11-8-86, seeking implementation of the order of the Central Board of Direct Taxes in his case and the representation states that the order has not been implemented, although 16 months have elapsed. The directions given by the Tribunal in OA No.810 of 1986 in order dated 15-5-91 were for disposing of the representation of the applicant dated 11-8-1986.

5. The representations of the applicant made from 1985 to 96 were considered by the Central Board of Direct Taxes and were rejected on the ground that the applicant would not have been promoted as U.D.C., if he had given option for Stenographer (OG) with effect from 1.8.69. The applicant waited for merely 14 years and only in 1984 made a representation for being restored to the cadre of Stenographer (OG). The representation was, thus, rejected on the ground of delay.

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6. The applicant has filed Annexure <sup>to the R.A.</sup> No. A-2, which is claimed to be a representation made by the applicant on 4-9-84 and it is stated in this representation that the case of Sri Q. A. Siddiqui UDC in Agra had been restored to the status of Stenographer (OG) by an order dated 4-9-84. Thus, Sri Siddiqui was in all probability according to the applicant, was allowed by the Central Board of Direct Taxes to exercise fresh option. He claims similar treatment in his case. This part of the pleading cannot be relied upon, because the applicant's case, as stated in his OA, was not on the ground that Sri Siddiqui's case was identical to his case and Sri Siddiqui had been restored to the status of Stenographer (OG), while the applicant was denied this treatment. If the applicant had filed a copy of the representation dated 4-9-84 as one of the Annexures to the O.A., the Respondents would have been able to give their comments on the case of Sri Siddiqui.

7. The applicant took the benefit of promotion to the post of U.D.C. in the year 1970 and continued working till 1984. He found in 1984 that the prospects of promotion from the post of Stenographer were better and started representing for restoration of status as Stenographer (OG) w.e.f. 1-8-69 retrospectively. The applicant had already worked for 14 years as U.D.C. and kept silent for this period. It would not be in the public interest to give the benefit

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of service as Stenographer (OG) to the applicant for the period he had not served on that post. Others who remained as Stenographer (OG) and received promotion in their cadre had done so by virtue of their experience and upgradation of skills by working on the job, which the applicant had missed by remaining in the clerical cadre after 1970. The sole motive of the applicant in approaching the Tribunal at this stage is to obtain the benefit of speedier promotion in the cadre of Stenographers in order to be declared as Inspector and Income Tax Officer on the basis of promotion of his <sup>erstwhile</sup> juniors which cannot be allowed. The O.A. is, therefore, dismissed as lacking in merits.

There shall be no order as to costs.

*Rafiq Uddin*  
(RAFIQ UDDIN)  
JUDICIAL MEMBER

*S. Dayal*  
( S. DAYAL )  
MEMBER (A)

Nath/