

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.893/1996

THURSDAY, THIS IS THE 2ND DAY OF MAY, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

V.L. Sharma,  
S/o Late Jugal Kishor Sharma,  
Income Tax Inspector,  
Special Range-2, Kanpur,  
R/o III/19, Income Tax Colony,  
Laxman Bagh, Kanpur-208 002. ... Applicant

(By Advocate Shri S. Dwivedi)

versus

1. Union of India, through  
the Director, Income Tax,  
Board of Direct Taxes,  
New Delhi.

2. The Chief Commissioner of  
Income Tax, Kanpur.

3. The Dy. Director of Income Tax,  
(Investigation), Unit-II,  
Kanpur. ... Respondents

(By Advocate Shri A. Mohiley)

O R D E R

Hon'ble Mr. C.S. Chadha, Member (A):

The case of the applicant is that he has challenged the seniority list of Income-Tax Inspectors on the ground that he was not promoted in his turn and that the correct quota of Stenographers was not considered for promotion. He has therefore, sought the relief of being promoted with effect from 1988, the year from which he feels there was a post available for him.

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*Chadha*

2. In their counter reply, the respondents have clarified the position regarding the various quotas of promotion. The main issue here is whether on the non availability of a S.C. candidate, could a regular <sup>or candidate</sup> be promoted against such a vacancy. The law on the subject is very clear; if an S.C. candidate is not available, the post has to be carried forward for a certain number of years before it can be given to a regular candidate. *In effect, the action of the respondents in keeping the vacancy for an S.C. Candidate for future is justified.*

3. In view of the detailed position explained in the counter affidavit, both about the quota as well as the vacancies in the S.C. category, we have no reason to consider the case of the applicant as valid. The O.A. is without merits and is therefore dismissed. There shall be no order as to costs.

*Ans*  
MEMBER (J)

*B. Chatterjee*  
MEMBER (A)

psp.