

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 5th day of September 2003.

QUORUM : HON.MR.JUSTICE R.R.K. TRIVEDI, V.C.  
HON. MR. D. R. TIWARI, A.M.

O.A. No. 1341 of 1997

Smt. Mamta Maurya W/O Sri Yashwant Kumar R/O Income-Tax  
Colony, Quarter No.23, Mauya, District Varanasi.

..... Applicant.

Counsel for applicant : Sri V.K. Srivastava.

Versus

1. Union of India through Secretary, Ministry of Finance,  
New Delhi.

2. Chief Commissioner of Income-Tax, Kanpur.

3. Chief Commissioner of Income-Tax, Lucknow.

..... Respondents.

Counsel for respondents : Sri A. Sthalekar.

ORDER (ORAL)

BY HON.MR.JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of A.T. Act, 1985, applicant has prayed for a direction to respondents to consider the applicant's case for promotion to the post of U.D.C. in the scale of Rs.1200-2040 since July 1996 and provide all consequential benefits in aforesaid scale with due seniority.

2. The facts of the case are that the applicant ~~was~~ (Km. Mamta Sinha, now known as Smt. Mamta Maurya) was appointed as LDC on 17.7.91 in the office of Chief Commissioner, Income-Tax, Kanpur. The applicant was promoted to the post of UDC on 29.12.94 in the office of Chief Commissioner, Kanpur. On 13.12.95 applicant made a representation for her transfer to the region of Chief Commissioner, Lucknow on the ground that she is going to marry with Sri Yashwant Kumar working in Varanasi. This representation was rejected



on 8.3.96, on the ground that inter change transfers can be permitted only against the vacancies of direct recruitment quota. <sup>Face d</sup> With this situation, the applicant applied for her reversion from UDC to LDC and then for inter change transfer. With this admission, application was moved on 16.4.96. The request of the applicant was accepted and on 9.5.96 applicant was reverted from UDC to LDC and thereafter by order dated 24.6.96, she was transferred from Kanpur region to Lucknow region. The applicant has now raised <sup>this</sup> issue that she was wrongly reverted and she could be transferred as UDC. The reason stated is that the order dated 23.7.90 of Govt. of India, Ministry of Finance provide that the inter change transfer can be made against direct recruitment quota as well as promotees.

3. We have heard counsel for the applicant at length and perused the order dated 23.7.90. However, we are not inclined to interfere as the applicant herself requested for her reversion from UDC to LDC and on her representation the orders were passed and then she was transferred. All the orders have become final between the parties. They have not been challenged in the O.A. The applicant has simply made request for payment of scale of UDC. In the circumstances, applicant is not entitled for relief.

4. Counsel for the applicant then submitted that the respondents be directed to consider the promotion now in accordance with law. For this purpose, in our opinion, applicant should pursue the respondents and if she is entitled for promotion under rules, same may be granted to her. She may pursue her representation filed as Annexure-9 which may be considered and decided in accordance with law expeditiously in any case within four months. The O.A. is disposed of with the above direction.

No order as to costs.

*Dhan*  
A.M.

*V.C.*

Asthana/