

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No, 554 of 2004.

Allahabad this the 21st day of May 2004.

Hon'ble Mr. A.K. Bhatnagar, Member-J.

Hon'ble Mr. S.C. Chaube, Member-A.

1. Vikas Kumar Gupta
aged about 32 years
son of Sri Jai Prakash Gupta,
Resident of 128/140, Y-Block,
Kidwai Nagar, Kanpur- U.P.
Presently working on the post of the Assistant/
Upper Division Clerk in the office of Income
Tax Officer, 2 (3), Kanpur.
2. Manoj Shridhar,
aged about 35 years,
son of Late S.N. Shridhar,
Permanent resident of 355/1, Babu Purwa
Colony, Kidwai Nagar, Kanpur- U.P.
Presently resident of C/o Sri P.L. Tripathi,
2/59 A, Yashoda Nagar, Kanpur. At present,
working on the post of Tax Assistant/Upper
Division Clerk in the office of Income Tax
Officer 3 (1), Kanpur.

.....Applicants.

(By Advocate : Sri Shyamal Narain)

Versus.

1. The Union of India
through the Secretary,
Ministry of Finance and Revenue,
Government of India, New Delhi.
2. The Chairman,
Central Board of Direct Taxes,
North Block, New Delhi.
3. The Chief Commissioner of Income Tax (Cadre
Controlling Authority) Kanpur (U.P) (West
Region), Kanpur, Aay Kar Bhawan, 16/19,
Civil Lines, Kanpur (U.P)
4. The Secretary,
Department of Personnel and Training,
New Delhi.

.....Respondents.

(By Advocate : Sri R.C. Joshi)

Am

O R D E R

(By Hon^{ble} Mr. A.K. Bhatnagar, J.M)

This O.A. has been filed under section 19 of Administrative Tribunals Act 1985 praying for quashing the impugned orders dated 15.04.2002 (Annexure A-1 and Annexure A-2) rejecting the applicant's representations dated 28.02.2002 and 04.03.2002. They have further prayed for issuing a direction to the respondents to treat the applicants as eligible for promotion to the post of U.D.C. at the D.P.C dated 07.10.1996 ignoring the fact that they had not completed three years of service as L.D.C. on 01.10.96, the crucial cut-off date for determining eligibility and thereafter grant them promotion to the post of U.D.C. w.e.f. the date their next juniors in service were so promoted along with all consequential benefits, including payment of arrears of salary and other emoluments as U.D.C., restoration of their inter-se seniority in the cadre of U.D.Cs and promotion to the next higher post of Senior Tax Assistant w.e.f. the date their next juniors were so promoted, along with all consequential benefits. Or in the alternative, the applicants have prayed for issuing a direction to the Chairman, Central Board of Direct Taxes to decide the applicants' representations dated 05.09.2002 and 13.09.2002 by means of a reasoned and speaking order within a specified period of time in accordance with law.

2. We have heard counsel for the parties, perused the records as well as pleadings.

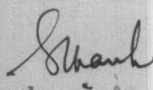
3. Without going into the merits of the case ^{and} with the consent of both the parties, we consider that this O.A. can be disposed of at the admission stage itself with a direction to the respondent No.2 i.e., The Chairman, Central Board of Direct Taxes, North Block, New Delhi to consider and decide the representations filed by the applicants.

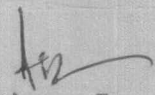
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applicants dated 05.09.2002 and 13.09.2002 (Annexure A-1 and A-2) within a specified time.

4. Accordingly, the O.A. is disposed of by issuing a direction to the respondent No.2 i.e. The Chairman, Central Board of Direct Taxes, North Block, New Delhi to consider and decide the representations of the applicants dated 05.09.2002 and 13.09.2002 (Annexure A-1 and A-2) by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order under communication to the applicants.

No costs.


Member-A.


Member-J.

Manish/-