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(8)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

....

Registration O.A. No. 810 of 1986

P.K. Kapoor ... Applicant

vs

Union of India and ors ... Respondents

Hon'ble Mr A.B. Gorthi, A.M.

Hon'ble Mr S.N. Prasad, J.M.

(By Hon' Mr A.B. Gorthi, A.M.)

This is an application under section 19 of the Administrative Tribunals Act 1985, Shri P.K. Kapoor seeking a direction from this Tribunal to the respondents to implement the order dated 18-4-1985 (Annexure-7) and to give the applicant all consequential benefits.

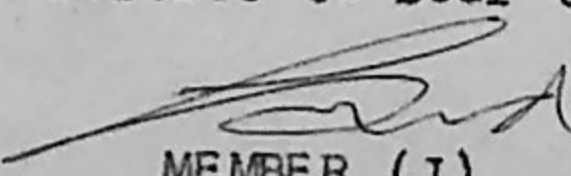
2. The applicant joined the Income Tax Department on 5-12-1966 as Lower Division Clerk/Stenographer-typist on the pay scale of Rs.110 - 180 <sup>with</sup> special pay of Rs.20/- when he was asked to exercise his option and to become Stenographer (ordinary grade) he gave it accordingly vide Annexure-2. He thus remained Stenographer (OG) on which post he worked for a number of years and drew salary also accordingly. Subsequently, he was promoted as U.D.C./Technical Assistant against which he made a representation on 4-9-1984 requesting the Central Board of Direct Taxes (Respondent No.2) to restore him to the status of Stenographer (OG). The same having been considered an order was passed vide Annexure-7 dated 18-4-1985 under which the earlier orders reverting the applicant to Clerical Cadre and promoting him as U.D.C. was cancelled and he was to be restored the status of Stenographer (OG) from that

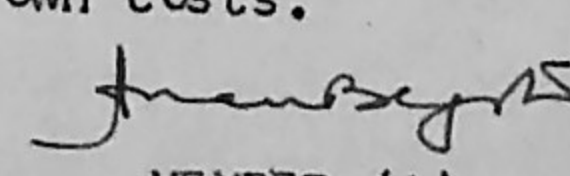
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date with all consequential benefits.

3. Aggrieved perhaps by this order passed in respect of the applicant certain other members of the staff agitated the matter before their superior authorities. Consequently, respondent no.2 vide his letter dated 17-2-1986 addressed to the Commissioner of Income Tax, Kanpur directed that the earlier orders (contained in Annexure-7) be withheld until further orders.
4. The applicant thereafter made a representation to respondent no.2 vide Annexure-IO dated 11-8-1986.
5. We indeed <sup>are</sup> surprised to find that the aforesaid representation of the applicant remains undisposed as on today. It may be due to the fact that the applicant has in the meantime approached this Tribunal. It would be appropriate, if respondent no.2 considers the representation of the applicant objectively and comes to a fair conclusion and in doing so, the authority concerned may also keep in view order No.140/H.O.O. dated 30-12-1977 emanating from the Office of the Commissioner of Income Tax Jaipur which seems to relate to a case identical to that of the applicant.
6. We direct the respondent no.2 to dispose of <sup>above</sup> the representation of the applicant, keeping in view our aforesaid observations, within 3 months from the date of receipt of a copy of the judgment.
7. Parties to bear their own costs.

  
MEMBER (J)

  
MEMBER (A)

(sns)  
May 13, 1991.