

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

(8)

original Application no. 1505 of 1994.

this the 6th day of February 2001.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MR. M.P. SINGH, ADMINISTRATIVE MEMBER

K.P. Singh, S/o Sri Ram Achal Singh, working as Typist
in the office of the Deputy Commissioner, Income Tax
Gorakhpur, resident of Village Manjhariya, Post Office
Chhatayra (Khajani), District Gorakhpur.

... Applicant.

By Advocate : Sri O.P. Gupta.

Versus.

Union of India through the Secretary, Ministry of Finance,
Board of Direct Taxes, New Delhi.

2. The Chief Commissioner of Income Tax, Lucknow.
3. The Commissioner of Income Tax, Allahabad.
4. The Deputy Commissioner of Income Tax, Gorakhpur.

... Respondents.

By Advocate : Sri Amit Sthalkar.

ORDER (ORAL)

JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

By this O.A., the applicant has prayed for declaration that the applicant was deprived of the opportunity to appear in the Special Qualifying Examination, 1993 due to mistake of the respondents and he may not be allowed to suffer for the same. He has also prayed for regularisation in Group 'C' post with all consequential benefits. The applicant has also challenged the order dated 8.9.1994 by which he has been directed to be paid the salary of Group 'D' post.

2. Counter & Rejoinder affidavits have been exchanged between the parties and we have also perused the pleadings

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on record.

3. After hearing the counsel for the parties at length and perusal of material on record, it is clear that the application form of the applicant was not complete and lacked some substantial information ~~and was lacking in some~~ hence ~~it~~ it could not be forwarded within ~~the~~ time, to the Service Selection Board. The department also acted ~~upon~~ in a very slow manner, which further aggravated the matter and the applicant was deprived of the opportunity to appear in the examination in the year 1993. But it cannot be helped now, except ~~that~~ the observation that whenever another examination for such selection is arranged, the applicant shall be given a chance. If he become over-age, he shall be considered for relaxation as per Rules.

4. The next grievance of the applicant is that though he is still doing the work of Clerk-cum-Typist, by the impugned order dated 8.9.1994 direction has been given to pay the scale of Group 'D' post. For this grievance, no further probe is required as this Tribunal by order dated 25.5.1993 (Annexure-3) had already given the following directions :

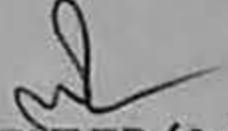
"All the three applications are disposed of with the direction to the respondents to pay salary to all the applicants at the minimum of the pay-scale applicable to the regularly employed Clerk/typists in Group 'C' with effect from the date they were engaged to work without increment, but with benefit of corresponding D.A., Addl. D.A. and other benefits which are enjoyed by the employees of the same cadre. The respondents shall pay the arrears ~~of~~ to the applicants within a period of three months from the date of communication of this order and shall continue to pay the appropriate salary in the light of the observations made above. There will be no order as to costs."

5. The regularisation of the applicant ~~as~~ Group 'D' post cannot effect the directions given by this Tribunal. Under the aforesaid order, if the applicant is discharging the duties of the post of Clerk-cum-Typist, he is entitled the benefits given under the aforesaid order. The

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application is, thus, disposed of with the directions to the respondents to continue to pay the salary to the applicant as was directed by this Tribunal by order dated 25.5.1993, if he is discharging the duties as Clerk-cum-Typist. The arrears, if any, with regard to the salary of the post of Clerk-cum-Typist, if the same are payable to the applicant, shall be paid within a period of four months from the date a copy of this order is filed. No order as to costs.


MEMBER (A)


VICE-CHAIRMAN

ALLAHABAD: DATED: 6.2.2001.
GIRISH/-