

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 36 of 2002(U)

Allahabad this the 21st day of January, 2003

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Smt. Sunita Makin, W/o Shri Harish Chandar Makin
R/o Wing No.6, Block No.18/6, Prem Nagar, Dehradun.

By Advocate Shri K.C. Sinha Applicant

Versus

1. Union of India through Secretary, Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes, Directorate of Organisation & Management Services, New Delhi.
2. Chief Commissioner of Income Tax (Cadre Control Authority) U.P. (West) Region, Aaykar Bhawan, 16/69, Civil Lines, Kanpur-208001.
3. Commissioner of Income tax, Dehradun.

By Advocate Shri R.C. Joshi

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, Member (J)

This O. A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicant seeking the relief to set aside the orders dated 27.09.01 (annexure A-4 and A-5) and order dated 15.07.2002 (annexure A-9). It is further prayed that the respondents may be directed to restore the promotion of the applicant on the post of Income-tax

Arv

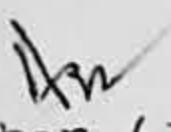
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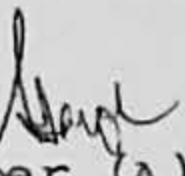
Inspector and to give all the benefits and privileges including monetary benefits w.e.f. 04.07.2001.

2. The facts of the case are that the applicant was appointed as Stenographer Gr.III on 18.11.1978. The applicant was promoted as Stenographer Gr.II on 27.10.95, thereafter in view of satisfactory performance, she was promoted as Stenographer Gr.I on 29.02.2000. The applicant appeared in July, 1994 in the Departmental Exam. for promotion to the post of Income-tax Inspector. On 04.07.01 the respondent no.2 has issued a list of Ministerial and Stenographer cadres who have been approved for promotion to the grade of Inspector of Income Tax in the scale of Rs.5500-9000. In this list, the applicant was placed at sl.no.47 and she was posted in the Office of Income Tax, Roorkee. In the posting order dt.04.07.01 she was at sl.no.24. The applicant joined the duty on 05.07.01 and worked upto 27.09.01, when she was reverted to the post of Stenographer Grade I. The order does not disclose any reason for reverting the applicant. It has also been passed without giving any opportunity of hearing. The legal position is well settled that any order which entails serious civil consequences should be passed after giving show cause notice and opportunity of hearing to the persons concerned which in the present case has not been done. The impugned order is clearly violative of principle of natural justice and cannot be sustained. Learned counsel for the applicant has also cited a Judgment in O.A.No.12/02(U) Smt.Prem Arora Vs.U.O.I. & Ors. decided on 07.05.02, passed in similar set of facts.

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3. The O.A. is accordingly allowed. The impugned orders dt. 20.09.2001 (annexures A-4 and A-5) and order dt. 15.07.2002 (annexure A-9) are quashed. The applicant shall be entitled to continue as Inspector of Income Tax. However, it shall be open to the respondents to pass fresh order in accordance with law. No order as to costs.


Member (J)


Member (A)

/M.M./