

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.591 of 2002

Tuesday, this the 3rd day of December, 2002

Hon'ble Mr. Justice R.R.K.Trivedi, V.C.
Hon'ble Maj. Gen. K.K.Srivastava, A.M.

Bharat Bhushan
a/a 48 years
Son of late Marlidhar
Resident of A-57 Pratapnagar Agra
Presently posted as Income Tax
Inspector in the office of Dy. Director
of Income tax (Investigation) Agra. ... Applicant.
(By Advocate : Shri S. Agarwal)

Versus

1. Union of India through the Secretary
Ministry of Finance , North Block, New Delhi.
2. The Chief Commissioner of Income Tax
(CCA) U.P. West Region, Kanpur.
3. The Dy. Commissioner of Income Tax (Revenue)
In the office of Chief Commissioner of
Income tax, (CCA) U.P. West Region, Kanpur.

..... Respondents.

(By Advocate : Shri G.R.Gupta)

ORDER (ORAL)

By Hon'ble Mr. Justice R.R.K.Trivedi, V.C. :

By this OA, the applicant has challenged the order dated 27/29.4.2002 by which the applicant has been reverted from the post of Income Tax Inspector to the post of Steno Grade -I.

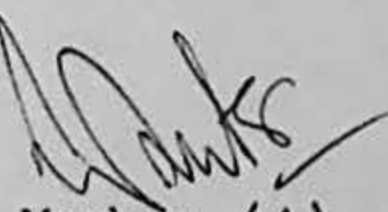



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2. The facts of the case are that the applicant was serving in Income Tax department in Agra as Steno Grade-I. A.D.P.C. meeting was held for selection of the candidates for promotion as Income Tax Inspector. The DPC recommended the name of the applicant for promotion as Income Tax Inspector. The promotion order was published on 4.7.2001, the name of the applicant was found in the selection list at Sl. No.39. One Smt. Prem Arora was also recommended for promotion, her name ^{was} at Sl. No.44. By impugned order dated 27/29.4.2002 Smt. Prem Arora was also reverted from ^{Inspector} ~~Inspector~~ Tax Inspector to the post of Steno Grade-I. Aggrieved by this order, she filed OA No.12/02 which was allowed by this Tribunal vide order dated 7.5.2002 by the following order :-

"The OA is accordingly allowed. The impugned orders dated 30.4.2002 and 27.4.2002 passed by CCIT (CCA Kanpur) 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. Copy of this order shall be given within 24 hours."

It is clear that the applicant was not given any opportunity of hearing or show cause notice before passing of the order of reversion. The applicant had already worked for more than one year. He is entitled for the relief. The OA is accordingly allowed, and impugned order dated 27/29.4.2002 is quashed. The applicant shall be allowed to continue as Inspector of Income Tax. However, it shall be open to the respondents to pass fresh order in accordance with law.


Member (A)


Vice Chairman