

**OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD**

Allahabad this the 2nd day of June, 2010

PRESENT:

HON'BLE MR. GEORGE PARACKEN, MEMBER-J

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

O.A. No.1308/2008

(U/s 19 of the Administrative Tribunals Act 1985)

1. Association of E.D.P. Officers of
Income Tax Department,
A-1, Shastri Nagar, Meerut,
Through its President: Vijay Kumar.
2. Vijay Kumar, S/o Shri Shyam Lal Pandey,
Deputy Director (Systems),
Office of the Chief Commissioner of Income Tax,
Kanpur, who happens to be President of the Association
Electronic Data Processing Officers,
Income Tax Department.Applicants

(By Advocate : Sri S. Mandhyan)

Versus

1. Union of India through Secretary,
Revenue, Department of Revenue,
Ministry of Finance,
North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes,
North Block, New Delhi-110001. ...Respondents.

(By Advocate : Mr.V.K.Shukla)

ORDER

HON'BLE MR. GEORGE PARACKEN, MEMBER-J

This Original Application has been filed under Section 19 of the Administrative Tribunals Act 1985 by the Association of E.D.P. Officers of Income Tax Department, A-1, Shastri Nagar, Meerut through its

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President and by another person, Shri Vijay Kumar, working as Deputy Director (Systems) and the President of the Association of E.D.P. Officers of Income Tax Department.

2. According to the applicants, it is their long standing grievance that the Computer System (EDP Officers) is to be merged with the main stream (Administration/Taxation) System of Income Tax Department or all posts sanctioned for computerization (which constitutes less than 0.3% manpower of entire departmental strength) like those of Commissioner/Addl./Joint/Deputy/Assistant Commissioners of Income Tax/ Income Tax Officer (Computer Operations/ Systems) should be converted in Technical EDP Cadre and fresh recruitment rules may be framed to remove disparity in promotions as compared to IRS officers.

3. According to the applicants, with the development and progress of computerization in the country, Department of Revenue also considered deeply for computerizing whole revenue matter particularly in Income Tax Department. Therefore, in the year 1982, in a meeting held on 13.9.1982, presided over by the Secretary to Government of India, Department of Revenue Secretary to Government of India, Department of Electronics and managing Director, Computer maintenance Corporation (CMC), decided to introduce computerization in Income Tax Department.

4. The applicants have also submitted that later, Group 'C' posts i.e. Data Entry Operators were merged with main stream after restructuring



the department in the year 2001. However, the Group 'A' posts like Programmer Group 'A' Gazetted, now designated as Assistant Director (Systems) pay scale of Rs.8000 – 13,5000, Assistant Director (Systems/Systems Analyst) now designated as Deputy Director (Systems) pay scale of Rs.10,000-15,200, Deputy Director (Systems)/Computer Manager (now designated as Joint Director (Systems) on the pay scale of Rs. 12,000-16,500 have not been merged with the main stream. As a result, the promotion of Group 'A' officers have become very marginal and there is great amount of stagnation. Learned counsel for the applicant has pointed out that the Assistant Commissioner in the main stream who joined in the year 2001 has got promotion to the post of Joint Commissioner in 2001 and Addl. Commissioner in the year 2003 and Commissioner in 2009 whereas the applicants who belongs to the Computer System joined as Assistant Commissioner in the year 1989 and got only one promotion as Deputy Commissioner in the year 1996.

5. Further grievances of the applicants are that, when similarly placed persons were considered by the department at various levels for promotion, no decision was taken in the case of the applicants only on the ground that while restructuring has taken place in the years 2001 and 2006, the case of the applicants were not considered. According to the applicants such a view of the Respondent Department is absolutely unreasonable, arbitrary and, therefore, not tenable. They have therefore, filed this OA. seeking the following main reliefs:

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i. To issue a writ, order or direction in the nature of mandamus commanding the respondents to merge the technical EDP officers in main stream of the Class-I officers of the Income Tax Department whose strength even otherwise is just 103, which comes to 0.3% of the total strength.


ii. To issue a writ, order or direction in the nature of mandamus commanding the respondents to allow these E.D.P. officers to be posted on all these 103 posts reserved for them abstaining I.R.S. officers to occupy these posts while maintaining seniority according to the year of recruitment.

iii. To issue a writ, order or direction in the nature of mandamus commanding the respondents to implement proposal for creation of additional posts dated 8.12.2006 as ratified by Member (L&C), C.B.D.T. dated 11.12.2006 as also Chairman, C.B.D.T.

6. Learned counsel for the applicant further submitted that the reliefs sought by the applicants are matters of policy of the Government and the mandamus can be issued to the respondents to merge Technical E.D.P. Officers to the main stream of Class I Officers in the Income Tax Department.


7. We have considered the issue involved in this case. We agree that it is a policy matter for which the Government has to decide whether a particular stream has to be merged with another stream or not. However, we are of the view that the respondents have duty to look the genuine grievances of those employees and redress to the extent possible.

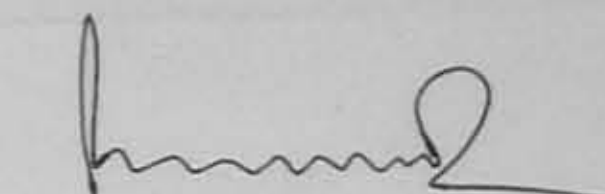
8. We, therefore, dispose of this O.A. with a direction to respondent No.1 viz., Secretary Department of Revenue, Ministry of Finance to look into the grievance of the applicants herein, and if considered necessary a high level committee may be constituted to study their grievance and to



make recommendations to the appropriate authority. As the process involves consultation at various levels in the Government, we consider it appropriate that six months' time would be sufficient for the Government to take a view in the matter and convey the decision to the applicants. We make it made clear that we have not gone into the merits of the case. While disposing of this O.A. the Registry shall send a copy of the entire Paper Book of this O.A. to the Respondent No.1 so that he may get the full picture of the issues raised by the Applicants.

9. There shall be no order as to costs


MEMBER(A)


MEMBER(J)