

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 572/1993

~~Ex-Acc.~~

DATE OF DECISION 23-06-1995

Shri M.D.C. Nair

Petitioner

Mr. M.S. Trivedi

Advocate for the Petitioner (s)

Versus

Union of India & Others

Respondent

Mr. R.P. Bhatt

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N.B. Patel, Vice Chairman

The Hon'ble Mr. K. Ramamoorthy, Member (A)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

- 2 -

Shri M.D.C. Nair,
Steno (S.G.I.) in the O/o,
Dy. Direct. of Income Tax (Inv.),
Ahmedabad. ... Applicant
(Advocate : Mr.M.S. Trivedi)

Versus

1. Union of India (through)
The Minister of Finance,
Central Board of Direct Taxes,
New Delhi.
2. Chief Commissioner of Income Tax,
2nd Floor, Aayakar Bhavan,
Ashram Road,
Ahmedabad.
3. The Dy. Divl. of Income Tax (Inv.),
Unit - I, Headquarter,
Aaayakar Bhavan,
Ahmedabad. Respondents

(Advocate : Mr. R.P. Bhatt)

JUDGMENT

O.A. No. 572 of 1993

Date : 23-06-1995

Per : Hon'ble Mr.K. Ramamoorthy, Member (A)

In the present application, relief has been sought by way of refixation of interse seniority and also relief by way of financial benefits arising from the refixation and an earlier deemed date of promotion.

2. The facts of the case are as under:-

The applicant held the post of Stenographer in Income Tax Department and had appeared for an examination which was held sometime in July and November, 1986 for promotion and appointment to

higher post. However, on account of certain irregularities noticed in this test, the present applicant had been debarred from that test and also held ineligible for further promotions. Against this action, the applicant had approached this Tribunal vide O.A. No.40/86 and this Tribunal had set-aside the action of debarment from any promotions whatsoever and had further given directions that any such action could have been taken only after a show-cause notice was given as per accepted norms of natural justice. Thereafter, the present applicant was given promotion in his own cadre of Stenographer in 1988. He was given a further promotion in that cadre in 1992. The present applicant's contention, however, is that he should have been given his promotion earlier in the Stenographer Grade in 1986 itself when his juniors were given promotion in the post of Stenographer Grade-II. He had represented in this matter in 1992 and yet no action had been taken by the respondents. While filing the application, the applicant had also filed M.A. for condonation of delay vide his M.A. No.538/93 by which he has sought condonation for the delay of seven months in filing the application.

3. The counsel for the applicant was heard at length. The fact remains that the applicant is seeking to set right a cause of action which had arisen in 1986. When he was given promotion only in and with effect from 1988 then itself the cause of action had actually arisen and the applicant has chosen to make his representation only in 1991. There has been no explanation as to the delay of three years in making

.....4

this representation. The counsel for the applicant also admitted as much though he sought to take shelter under the proviso made in the order that the interse seniority will be fixed later on. As stated earlier, the mere fact of representation alone would not be a sufficient cause for overlooking the problem of delay and laches and even in making this representation, adequate cause is not shown for the factor of delay of three years in making the first representation. The miscellaneous application which has been accepted by this Tribunal also relates to the further delay in filing this application after non-receipt of reply to this delayed representation.

4. The Tribunal is in one way handicapped also by the fact that the respondents have not chosen to file any reply to the contentions made in the application itself.

5. In respect of the present applicant, the Tribunal in its earlier judgment had passed the following order:-

"The impugned order debarring the petitioners from appearing at the examination for a period of 2 years is quashed and set aside. It is directed that the petitioners be not debarred from appearing in the future examinations and their promotions should not be withheld before an opportunity is given to them to represent their case and for this purpose a show cause notice be issued upon them and their representation decided upon. The promotions which are made in the meantime be held as provisional subject to the result of such representations after the notices are so issued."

What seems to have happened, however, is that after the order of this Tribunal dated 12-5-1988 whereby both the actions regarding withholding of promotion

in his own cadre as well as the debarment from appearing in the examination for a period of two years were held illegal, the department has chosen to take action immediately to promote the applicant in his own cadre. Obviously, the respondents have not chosen to take any action as indicated in the order to issue any fresh show-cause notice.

6. The applicant having therefore chosen not take any action immediately after 1988 either to approach the department or this Tribunal in time, it has to be declared that the present application does suffer from the vice of delay and laches specially when any action thereunder could also involve interfering with the promotions rights of atleast 21 persons as indicated in the representation who have got their promotions way back in 1986. The condonation action taken by this Tribunal cannot also cover the delay caused in not taking action in time against the 1985 order even by way of a representation to the department in time. On the ground of delay and laches, the present application fails.


(K. Ramamoorthy)
Member (A)


(N.B. Patel)
Vice Chairman

kvr

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Application No. 04(572/93 of
Transfer Application No. _____ of

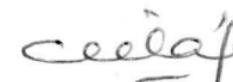
CERTIFICATE

Certified that no further action is required to be taken and
the case is fit for consignment to the Record Room (Decided).

Dated : 28.06.95

Countersign :


23/6/95
Section Officer.



Signature of the Dealing
Assistant

AT AHMEDABAD BENCH

INDEX - SHEET

CAUSE TITLE 041572193

NAME OF THE PARTIES MD M.D.C. Nair

VERSUS

U-0-1-8 021

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

C.A.T./Judicial Section.

Submitted :

Original Petition No 572
of 1993

Miscellaneous Petition No _____
of _____

Shri M.D.C. Naik Petitioner(s)
versus
UO/2005 Respondent (s)

This application has been submitted to the Tribunal by
Shri M.S. Trivedi

Under Section 19 of the Administrative Tribunal Act, 1985.
It has been scrutinised with reference to the points mentioned in
the check list in the light of the provisions contained in the
Administrative Tribunal Act, 1985 and Central Administrative
Tribunals (Procedure) Rules 1985.

The application has been found in order and may be given
to concerned for fixation of date.

The application has not been found in order for the reasons
indicated in the check list. The applicant advocate may be asked
to rectify the same within 14 days/draft letter is placed below
for signature. ~~So no 5 & 6 may be rectified~~ ~~for onwers.~~
~~✓ 1. Index not filed.~~
~~✓ 2. V. P. not filed.~~
~~✓ 3. I.P.O. not furnished.~~
~~✓ 4. Annexures not filed.~~

~~ASSTT.~~

~~S.O.(J)~~

~~D.R.(J)~~

~~Recd~~
~~27-9-93~~

~~Submitted~~

~~Kindly see above order.~~
~~Other objections have been complied~~
~~with. The matter, if approved will be handled~~
~~over to the concerned for fixation of date~~

~~30/9/93~~

~~SO(J) Draft~~
~~DR/J 1-10-93~~

Before the Hon'ble Comptroller of India.

Tribunal of Accounts.

Office

3/1/82

Sh. M. M. Naik

Steno - I. Income-tax Deptt.

Almora

Applicant

v/s.

Union of India & others v/s Respondent

I N D E X

①	Memo of application	15 70
②	Copy of judgement of 12/12/88. <u>Annex A2</u>	11 6 20
③	Copy of order of 21/12/88. <u>Annex A2</u>	21 60
④	Copy of representation of 1-12-1989. <u>Annex A3</u>	22 6 24
⑤	Copy of order of 14/10/1982. <u>Annex A4</u>	25
⑥	Copy of seniority list for the year 1989. <u>Annex A5</u>	26 6 43

Ex 30/11/93

Almora

(Y)

Mr. Trivedi
Almora

Filed by Mr. - Mrs. T. T. T.
Learned Advocate for Petitioners
with seconds set & B. B. spared
copies ~~copy~~ ~~served~~ / not served to
other side

27/9/93
By B. B. Dy Registrar C.A.T.
Abed Bawali

COURT

5-3-1993

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

OA SX

AHMEDABAD BENCH AHMEDABAD.

Original Application No. *SX* of 1993.

Shri M.D.C. Nair,
Steno (S.G.I) in the O/o,
Dy. Direct of Income Tax (Inv.),
Ahmedabad.Applicant.

V/s.

(1). Union of India (through)
The Minister of Finance,
Central Board & Direct Taxes,
New ~~Delhi~~ Delhi.

(2). Chief Commissioner
of Income Tax,
2nd floor, Aayakar Bhavan,
Ashram Road,
Ahmedabad.

(3). The Dy. Divisional of Income Tax (Inv.)
Unit - I, Head Quater,
Aayakar Bhavan,
Ahmedabad.

MST
27/3

Received with thanks
1/20
(No)
27/9/93

Application under section 19 of A.T.
ACT.

(1) PARTICULARS OF THE APPLICANTS:-

(a). Name of the Applicant:- Madathil

(b). Name of the father of : :- Damodaran Chandra
the applicant. Shekharan.

(c). Designation of the
office in which employees:- Steno S.G.-I
Under respondent no.3

(d). Address for service of:- M.S.Trivedi, Advocate,
all notices E/4, Shivani Apartment,
B/H.Sahajanand College,
Azad Society Road,
Ahmedabad.380 015.

: 2 :

(2) PARTICULARS OF THE RESPONDENTS :- As stated in the
cause title.

(3). DETAILS OF IMPUGNED ORDER :-

1. This application is against in action on the part of the respondent authority not giving the benefit to the applicant as per Hon'ble Tribunal's directions dtd. 12.5.1988 O.A. No. 40/84.

2. ~~Applicant's~~ representations 20.8.1991, in
pursuance of seniority of year 1989.

(4) JURISDICTION :-

The applicant further states that the subject matter of this application against redressal is made is within the jurisdiction of this Hon'ble Tribunal.

(5).LIMITATION :-

The applicant further declares that the application of the applicant is delayed for some months and therefore the applicant had filed M.A. for condonation of delay separately.

(6). FACTS OF THE CASE :-

The applicant humbly states that the applicant is a permanent employee of the Central Government. It is further stated that the applicant was appointed as L.D.C. on 15.7.1969 under the respondents and since then the applicant is working , honestly, industriously and sincerely, More over as far as service carrier and service record of the applicant is concern it is spotless and unblemished.

It is further stated that thereafter from 1.8.1969, the post of Stenographer (ordinary grade) was created in the pay scale of Rs. 130-330 without any special pay and the applicant was absorbed in the same post from 1.8.1969.

6.3 The applicant further states that thereafter in the year 1974 in accordance with the recommendation of the Third pay Commission the pay of the applicant was revised from 1.1.1974 in the revised scale Rs. 330-560, and since then the applicant was drawing the salary in the same scale.

6.4 The applicant further states that thereafter vide order dtd. 29.9.1986 ~~shown as Annexure A to this application~~ the applicant was promoted to the post of Stenographer (Selection grade) in the pay scale of Rs. 425 - 640 by the respondent authority. It is significant to note that the applicant was promoted in the selection grade as per circular no. 29 of Central Board of Direct Taxes , New Delhi and in accordance with the recommendation of the D.P.C.

6.5 The applicant further states that a test for promotion and appointment to higher posts held in July and November, 1986. It is further stated that the applicant had appeared in the said test. It is pertinent to note that as it was held that the applicant had alleged to have unfair practices in the said test and therefore the applicant was debarred from appearing for deferent periods in subsequent examinations. The applicant had approached the Hon'ble Tribunal against that decision by filing an application under section 19 of A.T. Act.

6.6 The applicant further states that alongwith the applicant other applicants had also approached this Hon'ble Tribunal by filing saperate applications for their grievances. It is further stated that the Hon'ble Tribunal was pleased to give final dicision on 12.5.1988 in th e all applications by a common judgment, copy of the said judgment annexed hereto and marked as Annexure : A1 to this application. The applicant further states that as far as present applicant is concern operative and relevant part of the said judgment is para 9 which reads as under :-

" In the case of O.A./40/86 the petitioners are working as Stenographer Selection Grade in the scale of Rs.425-640 for the next higher grade of Stenographer Senior Grade II in the pay scale of Rs. 425-700 the basis of promotion is seniority cum merit. Their cases have been dropped from consideration because they are debarred from appearing in the departmental examination of Income Tax Inspectors for two years on the ground that they were found using unfair means without issue of any prior show/ cause notice. As fitness is a part of the criterior their promotion is apprehended to have been withheld from them on this ground. In their cases also in the light of our above observations they are entitled to the relief to the followin g extent.

The impugned order debarring the petitioners from appearing at the examination for a period of 2 years is quashed and set aside. It is directed that the petitioners be not dabarred from appearing in the future examinations and their promotions should not be withheld before an opportunity is given to them to represent their case and for this purpose a show cause notice be issued upon them and their presentation decided upon. The promotions which

are made in the meantime be held as provisional subject to the result of such representations after the notices are so issued."

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6.7 The applicant further states that thereafter vide ~~new~~ office order dtd. 27.9.1988 the applicant was promoted in the grade of Rs. 1400 - 2300 as Steno Grade II by the respondent authority. It is pertinent to note that as it was mentioned in the said order that the inter-se-seniority will be fixed by the Chief Commissioner of Income (Adm.) Ahmedabad later on. The applicant further states that as per Hon'ble Tribunal's above referred order dtd. 12.5.1988 the case of the applicant was required to be considered from the date from which the promotions which were held on the ground that the applicant was allegedly found will be for unfair practice in the test. It is further stated that meaning there by ~~the case of the applicant was~~ required to be considered from the date from which the Juniors to the applicant were promoted,

6.8 The applicant further states that the applicant was under impression and was hopeful that when it has been mentioned in the order dtd. 27.9.1988 the respondent authority will consider the case of the applicant in pursuance of the directions given by the Hon'ble Tribunal on 12.5.1988 and applicant will get all the consequential benefits like inter-se-seniority and deem date promotion subsequently. It is further stated that as it was not done by the respondent authority within reasonable time the applicant had submitted one representation dtd. 20.8.1991 to the respondent authority shown at Annexure : A2 to this application.

6.8 The applicant further states that as it was specifically mentioned in the representation dtd. 20.8.1991 that the case of the applicant is required to be considered in view of the directions given by the Hon'ble Tribunal on 12.5.1988. It is significant to note that the names of the employees who were Juniors to the applicant and were promoted prior to the applicant were given in the said representation by the applicant. It is further stated that but till this date the case of the applicant is not considered by the respondent authority. The action on the part of the respondent authority is not only illegal, unfair, arbitrary but it ~~amongst-to-~~ amounts to Compemt of Court. of the directions given by the Hon'ble Tribunal.

6.9 The applicant further states that thereafter vide office order dtd. 14.10.1992 the applicant was promoted in the grade of Rs. 1640-2900 as Steno grade I by way of up ~~gradation~~. Copy of the said order is annexed hereto and marked Annexure : A3 to this application. The applicant further states that as mentioned hereinabove representation dtd. 20.8.1991 submitted by the applicant was forwarded to Chief Income Tax Commissioner Gujarat I, Ahmedabad on 5. 9.1991. It is significant to note that though the applicant was promoted by the respondent authority from time to time i.e. in the year 1988 and in the year 1992. by ~~the respondent~~ It is further stated that but no any action was taken by the respondent authority on applicant's representation dtd. 20.8.1991 by the respondent authority and no any benefits like inter-se-seniority and deem date promotion were given by the respondent authority as per Hon'ble Tribunals directions dtd. 12.5.1988.

6.10 The applicant further states that a seniority list of Steno-Grade -I & II (S.G.) and (O.G.) was published by the respondent authority on 1.9.1989, shown at Annexure : A4 to this application. It is further stated that as per said seniority list the name of the applicant was figured at Sr.No.27 in the seniority list of Stenographer (O.G.). It is pertinent to note that as mentioned hereinabove the applicant was promoted vide order dtd. 1.9.1986 (Annexure : A1) to the post of Stenographer (S.G.) in the pay scale of Rs.425-640 by the respondent authority. Therefore the name of the applicant was placed at Sr.No. 119 in the seniority list of Stenographer (S.G.) II. Not only that the persons who are juniors to the applicant was placed above the applicant they were shown seniors to the applicant.

6.11 The applicant therefore states that as mentioned hereinabove number of employees who were juniors to the applicant were promoted prior to the applicant's promotion and they were placed in the seniority list above the applicant. It is further stated that in view of the Hon'ble Tribunal's directions dtd. 12.5.1988 the applicant ought to have been promoted from the date when his juniors were promoted ~~for~~ and the seniority should be given to the applicant accordingly. The applicant therefore submits that the name of the applicant ought to have been placed at serial No. 845 B ~~804 A~~ i.e. above K. Sukumaran Nair in the seniority list the seniority list Grade - II (S.G.).

The applicant therefore repeats and reiterates what is stated hereinabove and submits that inspite of the Hon'ble Tribunal's directions dtd. 12.5.1988 and applicant's representation dtd. 20.8.1991, the respondent authority had not taken any legal and necessary actions. It is further stated that the respondent authority is going to prepare and publish a fresh revised seniority list of Steno Grade-I-II-(S.G.) and D.P.C. is going to be held in short time for the promotion to the post of P.A. (personal Assistant) to C.I.T and the applicant is eligible/entitled/ and due for the said promotion. Therefore the inaction on the part of the respondent authority is required to be quash and set aside.

Now no any other and further efficacious remedy left for the applicant except to approach this Hon'ble Tribunal by filing this application for this grievances.

(7). RELIEFS PRAYED FOR :-

Looking to the facts and circumstances of the case the applicant therefore pray as under :-

(A). that the Hon'ble Tribunal be pleased to Admit this application;

(B) that the Hon'ble Tribunal be pleased to quash and set aside action on the part of the respondent authority not giving the benefit of deemed date promotions to the applicant and

fixing the inter-se-seniority of the applicant in the seniority list of Steno Grade-II-(S.G.) of the year 1989;

(C) that the Hon'ble Tribunal further be pleased to declare that the applicant is entitled/ eligible to get the said benefits of deem date promotion and inter-se-seniority in view of the directions given by the Hon'ble Tribunal on 12.5.1988 in OA.40/86, and the Hon'ble Tribunal further be pleased to direct the respondents/its subordinate to give the said benefits with all consequential benefits to the applicant;

(D) any other and further reliefs that the Hon'ble Tribunal may deem fit and proper may be given to the applicant;

(8). INTERIM RELIEFS :-

Pending hearing and final disposal of this application the respondents/its subordinates may be directed to consider the case of the applicant for the next promotion as P.A. (Personal assistant) for which the D.P.C. is going to be held in short time.

(9). REMEDY EXHAUSTED :- The applicant further declares that the applicant had availed all the legal remedies available to him as per rules.

(10). MATTER NOT PENDING :- The applicant further declares that the applicant had not filed any application before any judicial forums for the present subject matter.

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(11) DETAILS OF I.P.O. :- 801-247157, 21-
BHC 269193

(12) DETAILS OF ANNEXURES:- Separate Index annexed
herewith.

Dt. 26/9/1993.
Ahmedabad.



Applicant.

VERIFICATION.

I, M. D. C. Naik, adult, occ.
Service, residing at Ahmedabad, do hereby verify and
states that what is stated hereinabove are true and
I have not suppressed any materials facts.


(M.S.Trivedi) X
Advocate for
the Applicant.



Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

XXXXXX
U.A. No. 421 of 1986
with
G. A. No. 40 of 1986
G. A. No. 77 of 1986
G. A. No. 127 of 1986
G. A. No. 137 of 1986

XXX

DATE OF DECISION 12-05-1988

Shri P. M. Pandya & Ors.
Shri M. D. C. Nair & Ors.
Shri G. M. Chauhan & Ors.
Shri A. M. Rayal & Ors.
Shri Shashidharan Kulkarni & Ors.
Shri B. P. Tanna
Shri Girish Patel
Shri B. P. Tanna
Shri B. P. Tanna & Shri S. Tripathy

Petitioner

Advocate for the Petitioner(s)

Union of India & Ors.

Respondent

Shri R. P. Bhatt

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. Trivedi : Vice Chairman

Hon'ble Mr. P. M. Joshi : Judicial Member



JUDGMENT

OA/421/86
with
OA/40/86
with
OA/77/86
with
OA/127/86
with
OA/137/87

12-05-1988

Per : Hon'ble Mr. P. H. Trivedi : Vice Chairman

We have heard this batch of cases together because the facts and circumstances leading to the individual cases are essentially identical. The petitioners claim that on being eligible to appear at the departmental examination required to be passed for their promotion and appointment to higher posts held in July and November, 1986, they were held guilty of unfair practices and debarred from appearing for different periods varying from 1 to 3 years in subsequent examinations. This was done without giving show cause notice and giving them any opportunity to plead their case. Further, this was followed by an entry of adverse nature in their annual confidential report with the consequences which followed. It is apprehended that they will be refused promotion. Their representations against such adverse remarks or refusal of promotion as the case may be have not been considered or replied to. The petitioners, therefore, contend that the principles of natural justice have been violated and the decision of the respondents to debar the petitioners from examination for adopting unfair practices is of a penal nature taken without giving a fair opportunity required in the interest of natural justice and causes further penal consequence because of adverse remarks based upon such a decision holding them guilty of adopting unfair practices and debarring them for appearing in the examination is made a basis for adverse entry in the C.R. and has caused or apprehended to cause further penal consequences of refusal of promotion as a result thereof.

2. The respondents' contention is that after a detailed examination of the nature of the questions set and the replies given by the petitioners thereto the valuers of the answers have come to the conclusion regarding

B

the petitioners' adoption of unfair practices and that this conclusion has been examined in great detail by highly responsible superior authorities of the Income Tax Department, as a result of which the conclusion has been confirmed that the petitioners have adopted unfair practices. In exercise of the powers vested in the respondents under the rules governing the departmental examinations the respondents have, therefore, taken the action of giving nil marks and of debarring the petitioners for various periods from appearing in the departmental examinations. This does not require any notice for the reason that in matters regarding holding and declaring results of examinations the competence of the respondents cannot be doubted and there are decisions to the effect that authorities should be left free to make their decisions regarding the evaluation of the results and conclusions regarding unfair practices being adopted. Holding the candidate guilty of adopting unfair practices and debarring him from appearing in the examination is not a penalty or a penal consequence in terms of the prescribed penalties under the Discipline and Appeal Rules. The conclusion regarding adoption of unfair practices is derived entirely from the internal evidence of the nature of the questions set and the answers given. It is not necessary to establish whether A copied from B or B copied from A. If such internal evidence shows that correspondence or coincidence of the answers was of such a nature that there was a guilty collusion between A and B regardless of who copied from whom or whether both copied from a third source which was smuggled in or resorted to, it does not become necessary to establish directly that A copied from B or from a third source.

3. Mr. Girish Patel has argued that in this case 174 persons were found by the respondent authorities to have copied or adopted unfair practices. In such a case right course for the authorities would have been to cancel the examination if they are unable to find the precise nature of involvement of guilt of any individual candidate. Instead of doing this, the respondents passed 18 candidates and have individually found 174 candidates having adopted unfair practices. If they had done the former,

the respondents could have argued that no notice was required to be given but as they are visiting individual officers who are examinees with the adverse consequences of debarring from appearing in the examination, the passing of which is required for promotion and making adverse remarks in the C.R.s. which creates a hurdle in their promotion, besides giving a stigma to the petitioners, the requirement of natural justice must be fulfilled. For this reason the petitioners are required to be given an opportunity to show cause and their representation should be considered before visiting them with such adverse consequences.

4. From a perusal of the petitions and the nature of causes and relief sought, we find that it would be convenient to deal with certain important questions governing the results of the case. The first question is whether the authorities are required to issue a notice before they decide that a candidate is guilty of adopting unfair practices and debarring him from appearing in the examination. The action regarding holding the candidates as having adopted unfair practice has been taken in exercise of the powers under Rule VI(9) of the Rules for the departmental examination which is reproduced from para 10 of the reply in OA/421/86.

"A candidate who is or has been declared by the competent authority to be guilty of using unfair means in the Examination Hall, may, in addition to rendering himself liable to criminal prosecution, be liable :-

- (a) to be disqualified by the Competent Authority from the Examination for which he is a candidate and declared as failed obtaining ZERO marks in all the papers in which he appeared in that Examination;
- (b) to be debarred either permanently or for a specific period;
- (c) to take disciplinary action under the appropriate rules."

The respondent authorities have not produced the entire set of rules before us nor have they disclosed whether the liability of being disqualified or being debarred can be decided upon without any show cause notice. Even the analogy of the academic examination on which the learned

advocate for the respondent relied does not hold them in this case. In academic examination while there might be adverse consequences due to the obtaining of zero mark or of being debarred, such action by itself does not result in a penal consequences. In the instant cases, however, passing of the departmental examination is a pre-requisite for promotions and debarring for any period from appearing in the examination, therefore, creates a penal consequence. We have no doubt, from a perusal of the detailed reasons given, that the respondent authorities have sufficient material to come to the conclusion that unfair practices have been adopted by the petitioners, but before the penal action of debarring the petitioner from taking future examinations is arrived at, natural justice requires that the petitioners should have been given an opportunity to represent their case. We would not go to the extent of saying that the action of awarding a zero mark in all the papers is on the same footing as that of debarring the candidates from future examination. In the case of the cancellation of examination it is not possible to establish the individual officer's involvement in the guilt of adoption of unfair practices. In the case when this is possible, the awarding of zero mark falls the candidates and to that extent it is within the ambit of fair powers of the competence of the authorities holding the examination and declaring its results. However, when this ambit is extended to debarring either permanently or for a specific period a punishment is given or a basis for punishment is sought to be founded regarding future examinations and in that case giving an opportunity to the delinquent officer becomes necessary as a part of the requirement of natural justice.

5. In the cases in which the respondent authorities have recorded adverse remarks the position has to be examined with reference to the rules governing the disposal of the representations against adverse remarks. Recording of adverse remarks by itself is not a penalty and the relevant rules provide for such remarks being used for guidance for future improvement. The rules also provide for representations being allowed to be made within a specific period and for the disposal of representations and in the case of certain category of officers for an appeal against such

a decision disposing of the representations. We cannot, therefore, hold that recording of adverse remarks on the basis of the conclusion of adopting unfair practice is by itself a penalty or penal consequence. The respondent authorities are competent, therefore, to record such remarks. They are of course obliged to communicate the adverse remarks after recording them and to entertain representations against them within the period specified for it.

6. When the question of promotion of the petitioners comes up, the adverse remarks on the record would have to be taken into account. It may be difficult to pin point whether promotions specially to selection posts and even to posts governed by seniority cum fitness test have been withheld only for the reason of the single instance of adverse remarks regarding adoption of unfair practice. The respondent authorities can always plead that on an over all appreciation of the officer's performance and character and conduct, promotion has been withheld because he is not found fit or because of better persons being available in the case of a selection post. This would not remove the main grievance of the petitioners that adverse remarks which should not have been allowed to remain on the record have been considered and have influenced the adverse decision regarding promotion. The adverse remarks merely state the facts regarding the conclusion of debarring from the examinations having been caused by the adoption of unfair practices. But this recording of the conclusion itself, because it is in the C.R., becomes a reason for refusal of promotion. In that situation we cannot regard the mere retention of the adverse remarks as innocuous.

7. On the basis of the above analysis, it may be concluded as follows.

(1) We do not regard the decision to fail and awarding of zero marks in all the papers of the examination on the basis of the conclusion of adoption of unfair practice as one which is of a penal nature and, therefore, requires a show cause notice in the interest of natural justice.

a candidate from appearing either permanently or for a certain period of departmental which are a pre-requisite for a promotion is an action

17 involving penal consequences and requires a notice, giving opportunity to show cause as a necessary pre-requisite in the interest of natural justice.

(3) In the circumstances of this case recording or retaining adverse remarks based on or even merely factually reproducing the decision of holding the officer as being debarred from appearing in an examination for having adopted unfair practice to be unjustified unless such remarks are retained after giving an opportunity to the officer to make representation against it and his representation is disposed of after due consideration and after an appeal against such a decision if so provided is decided upon.

(4) Any decision to refuse promotion on the basis of such adverse remarks which have been retained without observing the required procedure or for reason of debarring the officer from appearing in the examination without a prior show cause notice must also be held to be unjustified.

8 In the light of the above observations we must now deal with the facts of the individual applications before us. In OA/421/86 applicants No.1 & 2 have been debarred for 2 years and No.3 for 3 years. They made their representations in March, 1986. No show cause notice was given to them before concluding that they have adopted unfair practice. Adverse C.Rs. were given to them. They have sought relief in terms of quashing and setting aside the decision regarding debarring them from future examinations for different periods and of quashing and setting aside of adverse remarks and of promotions to be made to the petitioners subject to the result of the case reserving the posts for them. The petitioners are protected by Interim relief. In accordance with our above analysis

and conclusions, we quash and set aside the impugned order dated 19-2-86 in respect of petitioners 1, 2 & 3 and communicating adverse C.R. to applicant No.1 on 30-9-86, applicant No.2 on 20-10-86 and to applicant No.3 on 25-7-86. The respondent is at liberty to issue fresh notice asking the petitioner to show cause and to take a fresh decision regarding debarring or such adverse C.R. thereafter, ~~including the representations already made~~ also be disposed of by the respondents.

18

The promotions which are made in the meantime be held as provisional subject to the result of such representations after the notices are so issued.

9. In the case of OA/40/86 the petitioners are working as Stenographer Selection Grade in the scale of Rs.425-640 for the next higher grade of Stenographer Senior Grade II in the pay scale of Rs.425-700 the basis of promotion is seniority cum merit. Their cases have been dropped from consideration because they are debarred from appearing in the departmental examination of Income Tax Inspectors for two years on the ground that they were found using unfair means without issue of any prior show cause notice. As fitness is a part of the criterion, their promotion is apprehended to have been withheld from them on this ground. In their cases also in the light of our above observations they are entitled to the relief to the following extent.

The impugned order debarring the petitioners from appearing at the examination for a period of 2 years is quashed and set aside. It is directed that the petitioners be not debarred from appearing in the future examinations and their promotions should not be withheld before an opportunity is given to them to represent their case and for this purpose a show cause notice be issued upon them and their representation decided upon. The promotions which are made in the meantime be held as provisional subject to the result of such representations after the notices are issued.

10. In the case of OA/137/87 the petitioner is working as Stenographer Selection Grade II and claims seniority to Selection Grade I and also to the post of Income Tax Inspector subject to his passing the Departmental Examination. His case is that he and Mr. Mathai prepared for the examination together and the respondents had unfairly concluded that they have copied from each other or from a common source without considering the nature of the answer required. He has been awarded zero mark and debarred from appearing at the examination for Income Tax Inspector for 3 years i.e. 1987, 1988 & 1989. This order was passed on 16-2-1987 and thereafter a notice asking for his explanation was issued to him on 27th February, 1987. On that same day he made his representation. However, before any order thereon has been passed, adverse remarks based on the order dated 16-2-87 and 27-3-87 were communicated

to him by order dated 4th June, 1987. In the light of our observations the petitioner is given the relief of quashing and setting aside of the impugned order insofar as debarring him from appearing at future examination and communication of adverse remarks are concerned. It is directed that the petitioner be allowed to appear at future examination for the post of Inspector and no adverse remarks should be allowed in his C.R. before a show cause notice is issued to him and his representation in reply is disposed of. The promotions which are made in the meantime be held as provisional subject to the result of such representations after the notices are so issued.

11. In the case of OA/127/86 by an order dated 19-2-1986 the petitioners have been debarred for various periods for appearing in examination of various papers after being declared as failed for using unfair means and their representations have been rejected. In their cases the decision has been confirmed by order dated 3-6-86 before holding the examination in 1986. However, it cannot be disputed that the impugned

order dated 19-2-1986 insofar as debarring from appearing in the examination concerned was issued before any show cause notice was given to them.

It is also noted that it was confirmed after considering their representations does not validate the impugned order or cure it of its defects. The impugned order, therefore, is quashed and set aside and it is directed that the petitioners be allowed to appear in future examination. Any order debarring them from doing so can only be passed after giving them a show cause notice and considering their representations. The promotions which are made in the meantime be held as provisional subject to the result of such representations after the notices are so issued.

12. In the case of OA/77/86 the petitioners were found using unfair means and debarred for two years in certain subjects but this order dated 19-2-86 was also passed without any prior show cause notice. Accordingly this order is also quashed and set aside and it is declared that the petitioners are entitled to the relief of being allowed to appear in the examination for 1988 and the respondent shall be free to take any decision relating thereto on issue of show cause notice and disposal of any

representation thereto. The promotions which are made in the meantime be held as provisional subject to the result of such representations after the notices are issued. We dispose of the cases accordingly.

Sd/-

(P.H. TRIVEDI)
VICE CHAIRMAN



Sd/-

(P.M. JOSHI)
JUDICIAL MEMBER

M. S. Trivedi

Section Officer
Central Admin. 1st Tribunal,
Ahmedabad Bench.

TRUE COPY

True Copy
M. S. Trivedi

(M. S. Trivedi)
M.A. LL.B.
Advocate

O R D E R

The following officials are promoted to officiate as stenographer (Senior Grade-II) in the pay scale of Rs.1400-40-1800-EB-50-2300 with effect from the date of taking over the charge and until further orders :

- 1) Shri M.I.Mirza
- 2) Shri K.C.K.Paniker

The period of probation is two years. The inter-se seniority will be fixed by the Chief Commissioner of Income-tax (Adm.), Ahmedabad later on.

2. On promotion, the posting is made as under :-

Sr.No.	Name	Office in which working at present	Office to which posted	Remarks
1	2	3	4	5
<hr/>				
1.	Shri M.I.Mirza	I.T. Office, Bharuch	Dy.CIT (Appeals) A.R. 6,	Vice Shri G.N.Bhatt transferred Ahmedabad.
2.	Shri K.C.K.Paniker	Dy.C.I.T., Range-5, Ahmedabad	Dy.CIT (Appeals) A.R. 2,	Vice Shri L.D.Bapat transferred Ahmedabad

The officials should be relieved by 5-10-88.

Trivedi
M. S. Trivedi

M.A. LLB
Advocate

J. M. Mehra
(J.M.MEHRA)
Commissioner of Income-tax,
Gujarat-II, Ahmedabad.

..2

From : M.D.C.Nair,
Stenographer(SG.II).
Office of the Deputy
Director of Income-tax
(Investigation)Unit-I & HO,
Ahmedabad.

Ahmedabad,
Dated: 12.8.1991.

P/22

To :

To :
The Chief Commissioner of Income-tax
Gujarat, Aayakar Bhawan,
Ahmedabad.

Respected Sir,

(Submitted through proper
Channel) Subject: Promotion and fixing of seniority
in the cadre of Stenographer(SG.II)
- M.D.C.Nair, Stenographer(SG.II)
Request regarding -

Kind reference is invited to the promotion
order No.DI.I-A/5/88-89 dated 18th October, 1988
passed by the Director of Income-tax(Investigation),
Ahmedabad, copy of which is endorsed to your office,
promoting the undersigned to the post of
Stenographer(SG.II). This promotion order is,
however, silent on my inter-se seniority vis-a-vis my
Juniors promoted to the post of Stenographer (SG.II)
in the year 1986.

2. In the above connection, I may be permitted
to bring to your kind notice that in the year 1986,
the below mentioned persons who were then
Stenographer(O.G), Juniors to me had been promoted to
the post of Stenographer(SG.II) (Vide page no.10 to
13 at serial no.20 to 45 as per the establishment
list as on 1.9.1989) :

1. Shri S.Ramachandran.
2. Shri S.A.Patki.
3. Mrs.Annamma Varghese.
4. Mrs. A.P.Harathe.
5. Shri Shanji N.Satikanwar.
6. Mrs. Lexmi Copalan.
7. Shri A.Prabhakaran.
8. Shri B.S.Alemel.
9. Shri K.Sebastian Joseph.
10. Shri J.J.Vaidya.
11. Shri Ghanashyam N.Bhatt.
12. Smt.Shanta B.Iyer.
13. Shri Latish D.Bapat.
14. Shri K.K.Thakore.
15. Shri R.S.Renade.
16. Shri D.A.Chhaya.
17. Mrs. Sarojini U.Bhatta.
18. Shri U.H.Patel.
19. Mrs. Rosamma Joseph.
20. Shri K.R. Nair.
21. Mrs. R.A.Bhatt.

contd., 2.

Recd
Ans
12/8/91

However, I was not promoted in the said order inspite of the fact that no adverse entries in my Annual Confidential Reports had been communicated to me in my entire past service of 16 years till the date of D.P.C. and promotion to the post of Stenographer(SG.II) was required to be made on the basis of seniority-cum-fitness. I was presumably over-looked for promotion on account of proceedings pending/contemplated against me on account of "Using Unfair Means" in the Departmental Examination for Inspectors conducted in the year July, 1985, as alleged by the Department. The issues arising out of the alleged default including with-holding of promotion had been contested by me before the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad. While deciding upon the said petition, the Hon'ble C.A.T. Ahmedabad Bench, in paragraph 9 of its order bearing No.OA.No.40 of 1986 dated 12.5.1986 (copy enclosed) held as follows :

Judgement No.O.A.No.40 of 1986 dated 12.5.1986 (Page no.7, paragraph 9)

"The impugned order debarring the petitioners from appearing at the examination for a period of two years is quashed and set-aside. It is directed that the petitioners be not debared from appearing in the future examination and their promotions should not be with-held before an opportunity is given to them to represent their case and for this purpose a show cause notice be issued upon them and their representation decided upon. The promotions which are made in the meantime be held as provisional subject to the result of such representations after the notices are so issued".

3. As the Honourable Central Administrative Tribunal, Ahmedabad Bench, vide their decision in O.A.No.40 of 1986 dated 12.5.1986 had set-aside the action of the Department in debarring the petitioners from appearing in future Departmental Examinations and the Judgment also provided the procedure that should be followed while deciding the issue of promotion, I feel that the orders passed by the Director of Income-tax(Investigation), Ahmedabad on 18.10.1986 promoting me to the post of Stenographer(SG.II) has fully exonerated me from the 'unfair means', as alleged against me. As I was promoted without issue of any show cause notice to me and obtaining a reply thereto, it appears that with-holding of my promotion in the year 1986 was highly irregular in the spirit of the decision of the Central Administrative Tribunal, Ahmedabad Bench, cited above. I should, therefore, be given seniority in the cadre of Stenographer(SG.II) over my Juniors promoted in the year 1986. Needless to add that the delay in promotion for nearly 2 years was the result of procedural irregularities of the Department for which I should not be put on a pecuniary loss.

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11-2-77

4. The inter-se seniority of the Stenographer(SG.III) may, therefore, be refixed keeping my name in between Shri K.Sukumaran, Stenographer(SG.III) and Shri S.Ramachandran, Stenographer(SG.III), now appearing at serial number 47 in the establishment list of Stenographer(SG.III) as on 1.9.1989.

5. My pay also would require to be refixed with effect from 1986, the date on which my immediate Junior viz. Shri S.Ramachandran, Stenographer(SG.III) was promoted.

Thanking you,

Yours faithfully,


(H.D.C.NAIR)
Stenographer(SG.III)

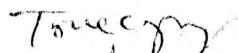
Encls:

- (1) Copy of decision of Hon'ble C.S.T. & bad Bench, bearing No. OA.No.40 of 1986 dt. 12.5.1988.
- (2) Copy of D.I.T. (Investigation) Ahmedabad's order No.DI.I-A/S/08-89 dt. 10.10.1989.

SUBMITTED THROUGH :

(1) The Dy. Director of Income-tax (Investigation) Unit-I & II, Ahmedabad.

(2) The Director of Income-tax (Investigation), Ahmedabad.


Trivedi


M.S. Trivedi

(M.S. Trivedi)

M.A. LLB
Advocate

No. Est. 63-2/92(I).

Office of the Chief Commissioner
of Income-tax, Ahmedabad.

Date: - 14th October, 1992.

O R D E R.

The following Stenographers Grade-II (Rs.1400-2600) are hereby upgraded to the post of Stenographer Grade-I in the pay scale of Rs.1640-60-2600-EB-75-2900 from the date of their taking over charge.

2. 1. Mrs. Rosamma Joseph
2. K.C.K. Panickar.
3. M.D.C. Nair.

On promotion, the above officials are posted as under :

Sr. No.	Name(S/Shri)	From	To	Remarks.
1.	Mrs. Rosamma Joseph	D.C.(Appeals) Rajkot.	Sr.A.R., I.T.A.T., Ahmedabad.	Against vacancy.
2.	K.C.K. Panickar.	D.C. Range-1 Ahmedabad.	D.C. Range-6 Ahmedabad.	"
3.	M.D.C. Nair.	(on dep. to DC(A)-1) D.D.I.T. (Inv) Ahmedabad.	D.D.I.T. (Inv.) Ahmedabad.	"

3. The inter se seniority of the above officials will be fixed later on. They will be on probation for a period of 2 years.

Sd/-

(C. KHUSHALDAS)
Chief Commissioner of Income-tax
Ahmedabad.

No. Est. 63-2/92(I)

Ahmedabad, Date: 14-10-1992.

Copy to:-

1. The C.C.I.T.II, Ahmedabad/The D.G.(Inv.)West, Ahmedabad.
2. The Cs.I.T., I, II & III, Ahmedabad/The D.I.T.(Inv.)Ahmedabad.
3. The D.Cs.I.T.Ranges, 1, 6, Ahmedabad/Sr.A.R., I.T.A.T., Ahmedabad.
4. The A.Cs. (D.P.O.S.T.) Ahmedabad.
5. Z.A.O.(C.B.D.T.), Ahmedabad.
6. Accounts Officer, F.P.U., Ahmedabad/F.P.U., Rajkot.
7. I.T.O.(HQ.Accounts), Ahmedabad/I.T.O., Adm.IV, Ahmedabad.

Y. D. (B)
N.K. KOSHTI A.C. (IT) Adm. I
for Chief Commissioner of Income-tax,
Ahmedabad.

(M. S. Trivedi)

M.A. LLB
Advocate

ESTABLISHMENT LIST AS ON. 1.9.89

STENOGRAPHER (SELECTION GRADE)-II

Sanctioned Strength : Perm + Temp.

(1) Revised Scale (1973) -Rs.425-15-
 (2) Revised Scale (1985) Rs.1400-40-1800-EB-50-2300
 (IV pay commission w.e.f. 1.1.86)

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Annex A
P 26

SR. No. Name in Full Offg. If SC/ Qualification Date date of commencement of continuous service in the Govt. Present Dept. Birth in the present pay scale if any

1	Miss D. P. Offg. -	SSC	Insp. 6.1.35	23.10.56	23.10.56	1.12.73	Offg Insp. w.e.f. 30.8.79
2	S. D. Patel	Sub SC	SSC	1.4.77	13.1.66	13.1.66	Offg Insp. w.e.f. 18.8.79
3	M. V. Krishnamakutty	ITC	SSLC	17	15.6.42	4.10.63	4.10.63
4	P. G. Thomas	ITC	SSLC	79	Insp. 10.4.46	11.2.65	7.12.73
5	Stanely S. R. Parmar	ITC	SSLC	100	27.8.37	5.2.54	5.2.54
6	Pillai R. Raghavan	ITC	SSLC	80	Insp. 13.4.39	29.8.61	1.12.73
	Gopalan Nair	ITC	SSLC				Offg Insp. w.e.f. 19.6.82

17	C.S.K. Warrior	Offg. Sub Dp 1.4.81	SSLC 82	Insp. 5.1.45	8.10.64	8.10.64	24.4.78	Offg SG-I w.e.f. 23.8.82
18	Suresh. Chandra	" " "	Boom	Insp. 22.4.41	6.3.65	6.3.65	7.4.78	Offg Insp. w.e.f. 15.4.82
19	Girijashanker Bhatt							
20	Jayanjilal Haribhai Dalvadi	" "	- SSC	Insp. 1.2.46	16.2.65	16.2.65	24.4.78	Offg Insp. w.e.f. 29.4.82
21	Mrs. Sharda Gopalam	" "	- SSLC	SST/ 100 1976	20.6.45	16.2.65	16.2.65	Offg SG-I w.e.f. 88
22	Shaileshbhai Laxmanbhai Macwan	" "	- Bcom	Insp. 19.1.46	30.6.65	30.6.65	14.4.78	Offg Insp. w.e.f. 31.7.82
23	Mrs. Radha R. Neir	" "	- SSLC	Insp. 5.10.43	15.9.65	15.9.65	24.4.78	Offg Insp. w.e.f. 29.7.82
24	A.M. Unni Krishnan	" "	- SSLC	Insp. 15.1.46	4.11.65	4.11.65	12.5.78	Offg Insp. w.e.f. 20.9.82
25	A.P. Kuttapam	" "	- SSLC	Insp. 5.9.43	8.11.65	8.11.65	7.4.78	Offg Insp. w.e.f. 13.9.82
26	A.V. Gangadharen	" "	- SSLC	73 SST/100	UDC 72	27.7.44	21.3.66	21.3.66
27	Anant Chitankshirsagar	" "	- SSC	ITD. 10.9.46	11.8.66	11.8.66	24.4.78	Offg Insp. w.e.f. 20.9.83

(4) 29

Sl. No.	Name	Category	UDC	SSLC	SSC	Offg	SG-I	SG-II	SG-III	SG-IV	SG-V
1	Mrs. Cicily DP	Offg. Sub Dp	1.4.87	SSLC	SSLC	8.5.46	4.10.66	4.10.66	7.4.78	Offg	SG-I
2	M. Joseph Nair	IT 82	IT 82	SSLC	SSLC	23.4.48	18.11.67	18.11.67	1.6.78	Offg	SG-I
3	G. Jayadevan Nair	IT 82	IT 82	SSLC	SSLC	78	IT 0/81	IT 0/81	IT 0/81	IT 0/81	IT 0/81
4	Govindbhai Gopalbhai Patel	n	n	BA	BA	3.3.46	20.11.67	20.11.67	604.78	Offg	SG-I
5	Ishwarlal Dhirajlal Modi	n	n	SSC	SSC	8.9.43	23.11.67	23.11.67	27.4.78	Offg	SG-I
6	Smt. Attuvillu K. Sumati	n	n	SSLC	SSLC	20.5.44	21.12.63	21.12.63	12.4.75	Offg	SG-I
7	Pragjibhai Popetlal Gemi	n	n	SSC	SSC	1.3.45	20.1.64	20.1.64	27.2.79	Offg	SG-I
8	Mrs. Sheela Chandrakant Chitnis	n	n	SSC	SSC	6.2.45	16.3.65	16.3.65	13.6.79	Offg	SG-I
9	Smt. Shreedevi Kutty K.	n	n	SSC	SSC	15.9.40	3.11.65	3.11.65	11.6.79	Offg	SG-I
10	Jethaqir Hemagir Goswami	n	n	SSC	SSC	8.3.45	1.1.66	1.1.66	16.2.79	Offg	SG-I

Offg Insp. U.E.F. 21.6.83

Offg Insp. U.E.F. 26.7.83

Offg Insp. U.E.F. 1.7.83

Offg Insp. U.E.F. 22.7.83

Offg Insp. U.E.F. 2.5.83

Offg Insp. U.E.F. 29.7.83

Offg Insp. U.E.F. 30.7.83

35	K. K. Purushottam Ottman	Offg Secy	SSLC	20.6.42	4.0.2.66	4.0.2.66	27.0.2.79	CIT(A)	4.0.2.1720	1.0.2.090	Trichur	
36	Champaklal Ratilal Patel	G.C.Cheuhan	SSC	SST/ 100	21.1.42	16.0.65	16.0.2.55	28.0.79	DC(A)	20.7.1720	1.0.5.00	Surat
37	Mrs. Janki. S. Menon	SC	SSC	IT0 82	23.4.49	11.0.10.68	11.0.00.68	23.0.6.79	Offg Insp. w.e.f.	30.8.79		
38	Pravinchandra Maganlal Jariuvala Devdasan V.	Sub-IT 1, 4, 82	SSLC	-	30.1.42	13.0.33	13.0.1.65	22.0.2.80	Offg 16.12.1680	30.0.1.0	Trichur	
39	H. T. G. K. Nair	SSC 81	SSC	IT0 77	26.10.44	25.11.57	25.11.67	8.0.1.85	Offg 16.10.86	50.00	Alleppey	
40	Dhiruthai B. Budhai Rajput	BA 82	IT0	9.11.48	27.0.11.67	27.0.11.57	27.0.11.79	Offg Insp. w.e.f.				
41	O.T. Joseph	Bcom LLB 83	IT0	2.0.3.47	27.0.1.67	27.0.11.67	30.0.11.79	Offg Insp. w.e.f.	17.0.08			
42	Miss Chaitanya Bala Amratlal Patni	Bcom 83	IT0	9.0.12.48	28.0.11.67	28.0.11.67	18.0.1.80	Offg Insp. w.e.f.				
43	K. G. George	SG-II 1.0.4.04	SSLC Insp.	29.0.11.46	26.0.11.67	26.0.11.67	0.0.0.00	Offg Insp. w.e.f.	2.0.12.06			

(6)

21/

66	Mrs. Radha	Offg.	S(CG)- DP	SSLC	Insp.	20.4.67	29.11.57	11.67	1.4.71	Offg. Insp. w.e.f.
67	V. Nenon	n	n	IT0 85	IT0	26.5.47	29.11.67	29.11.67	5.2.68	Offg. Insp. w.e.f. 2.12.66
68	A. J. Joy	n	n	SSLC	IT0 86	24.10.44	1.12.67	1.12.67	22.12.69	Offg. Insp. w.e.f. 2.12.67
69	P. K. Vasy- devan	n	n	Insp./80						
70	Kunian Rathew Sebastian	n	n	SSC 1.4.04	SSC 72	15.7.44	6.12.67	6.12.67	31.12.69	CA 8.1.68 15.60 3C.12.69 Ketuvayi Albad 71
71	Badrachkumar Chiraniel Patel	n	n	SSC 2.1.73	SSC 73	22.4.46	13.2.68	13.2.68	20.1.71	SRT 20.1.70.0. 1680 20.1. Rander 90 Strat.
72	Hasmukhkhedi N. Patel	n	n	SSC 1.10.04	SSC 75	1.6.24.60	20.2.68	20.2.68	21.2.81	Offg. Insp. w.e.f.
73	Padm Therumal Khattar	n	n	S(CG)- 5.9.69	Pre Arts. 75	6.1.47	24.8.67	24.8.67	2.1.82	CIT (A) 6.2. 1680 1.1. Pakkot RKT 89 90 n
74	Unnikrishnan P. Pillai	n	n	SSC 11B	SSC 75	16.10.48	26.8.68	26.8.68	1.10.81	Offg. Insp. w.e.f. 87
75	Shrikant Vasudev Devpurkar	n	n	SSC	SSC 75	30.10.48	28.8.68	28.8.68	3.5.82	DDI (INV.) 3.5. 1640 1.5. Baroda 82 90 t
76	P. Radha- Krishnan	n	n	SSLC	SSLC 72	26.10.48	6.9.68	6.9.68	15.5.82	AC 15.3. 1720 15.3. Irinjalakuda JNR 82 90 Trichur

10. Pre. K. N. Pankcy	Offg. DP	OC 5.0.69	SSLC	UDC 7.7. 72	10.9.60 10.9.60	1600 22.4.82	DC 7.7. 69	1600 22.4.82	Pariaram Quilon
K. Narayanan, Kutty	"	"	Bcom LLB	Insp. 10.6.47 72	12.9.60 12.9.60	27.4.82 Offg	Insp. w.e.f.	061	
Pl. G. Nand - Kumar	"	"	Bcom	Insp. 4.7.47 72	16.9.60 16.9.60	31.8.82 Offg	Insp. w.e.f.	30.3.85	
Pl. V. Samuel	"	"	-	SSU	10.5.48 16.10.60	16.10.60 4.8.62	Cir-3 9.12. 1600	1.1.90	Calicut
Miss Nilima Sakharan	"	"	-	SSC	Insp. 27.5.50 81	24.9.60 24.9.60	29.7.82 Offg	Insp. w.e.f.	- 071
Rajnikant V. Stewart	"	"	-	SSC	Insp. 25.2.49 80	24.9.60 24.9.60	29.7.82 Offg	Insp. w.e.f.	361
Mahendra Mulchand Pandya	"	"	-	BA	Insp. 13.3.49 82	3.10.60 3.10.60	29.7.82 Offg	Insp. w.e.f.	061
M. S. George	"	"	-	SSLC	ITD 64	27.10.47 4.10.60	4.10.60 30.7.82	Offg	Insp. w.e.f. 071
Chimanbhai H. Parmar	"	"	-	Fre. Eng.	Insp. 1.5.47 76	5.10.63 5.10.63	31.7.82 Offg	Insp. w.e.f.	071
Hasnukhbhai Chimanlal Shah	"	-	Bcom LLB	Insp. 19.10.44 77	10.10.60 10.10.60	16.10.60 16.6.82	Offg	Insp. w.e.f.	071
Smt. M. Saini - S. Vashyam	"	-	SSLC	Insp. 5.1.49 84	3.12.60 3.12.60	20.9.82 Offg	Insp. w.e.f.		

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K. G. Kurup Offg OG 5.0.69 SSLC Insp. 16.3.45 7.12.60 7.12.60 30.1.71 Offg Insp. w.e.f. 001

K. M. Rajan " " SSLC Insp. 5.6.40 76 9.12.60 9.12.60 29.10.82 Offg Insp. w.e.f. SST/100

C. K. Rajan " " Bcom ITO 23.5.49 23.12.60 9.12.60 25.1.83 Offg Insp. w.e.f. 071

R. Sashidharan " " SSLC Insp. 30.5.48 79 21.12.60 21.12.60 3.1.83 Offg Insp. w.e.f. 10.89 SST/100

Mrs. Shreelekha R. Shah " " SSC SST 8.2.49 9.1.69 25.1.83 Offg Insp. w.e.f. 001
Mrs. J. N. Nanavati (Miss J. B. Shah) " " BA Insp. 4.9.49 10.1.69 7.1.83 Offg Insp. w.e.f. 001
77

Manubhai Ambalal Penchel " " SSC Insp. 12.6.47 15.1.69 14.2.83 Offg Insp. w.e.f. 001
SST/100

Harshvaben " " SSC LDC 20.9.50 9.6.61 4.4.83 DC 20.7.1980 1600 DRN 72 ERN 68

75 Smt. V. V. Patel " " SCLP 21.4.73 21.4.73 22.4.74 DC-2,22,12.1500 1.7.90 Guj. 1
76 Smt. S. L. Patel " " SCLP 25.4.73 24.4.73 21.5.74 DC-3 21.7.1720 1.7.90 Guj. 1
77 Smt. K. K. Patel " " SCLP 25.4.73 24.4.73 21.5.74 DC-3 21.7.1720 1.7.90 Guj. 1
78 Smt. K. K. Patel " " SCLP 25.4.73 24.4.73 21.5.74 DC-3 21.7.1720 1.7.90 Guj. 1

(10)

124	K. Sukumaran Nair	Offg. D.P.	Steno- OG	SSLC 5.0.59	"	SSC 120	SST / 17.5.47	26.9.67	26.9.67	2.7.06	Offg Insp. w.e.f.
125	Gulab Rang Rathod	"	"	"	"	SSC 100	SST / 1.7.46	30.7.69	30.7.69	312.6.66	Offg Insp. w.e.f. 87
126	M. Mukundan	"	"	"	"	SSLC 80	"	"	"	"	"
127	120 S. Ramachandran	"	"	"	"	SSLC 81	UDC 19.3.41	21.5.60	21.5.60	8.0.06. DC-App.	8.0.06 1900 1.2.90 Quilon A'bad.
128	Sadend Ambalal Patki	"	"	"	"	SSC	"	4.2.40	1.8.69	1.8.69	23.10.06 CIT 12.0.0 D& 1600 6.1.30 Aurangabad.
129	Mrs. Annamma Verghese	"	"	"	"	SSLC	"	1961.45	7.8.69	7.8.69	19.12.06 DC(Vig) 1.7.60 1050 1.12. Kere 1.69 A'bad.
130	Mrs. A. P. Marathe	"	"	"	"	SSC 03	UDC 19.12.49	30.9.68	30.9.68	16.7.67	C.C. 16.10.1720. 1.1. Baroda 90 "
131	Shamji M. Satikanwar	"	"	"	"	SSC OG	"	5.11.46	14.2.69	14.2.69	10.7.07 ITAT 10.7.1660 1.2.90 Rkt. "
132	K. Barakrishnan (Nambiar)	"	"	"	"	SSLC C1	SSC	"	"	"	Offg Insp. w.e.g. 2.1.69

9418

25 Mrs. Laxmi
GopalanOffg. Steno -
DP
0G
10.10.69AR-5 17.5. 1640 1.3. Kerala
Aast. 00
SPL. Range.
A'bad.Mrs. Saravathi
K. MenonSub - SSLC
31.10.79 00

Insp. 15.4.46 21.10.69 21.10.69 16.7.77 Offg Insp. w.e.f 14.0.89

Chinnilal B.
Lad- - SSC
05

Insp. 27.1.47 27.10.69 27.10.59 Offg Insp. w.e.f. 25.8.89

C. Vijaykumaran

Steno -
12.12.87Ecom - 7.7.46 26.10.59 23.10.59 12.12.87 Cir-1 12.12.87 2.1. Trichur
BRD 07 90 Kerala

R. B. Verma

- - BA
LLB
00Insp. 1.1.48 30.10.69 30.10.69 - 1. R-1 1.7. 1760 1.1. Pratapnagar
A'bad 00 90 U.P.

9419

A. Prabhakaran

Sub - SSLC
1.3.71 73UDC 20.4.45 2.12.69 2.12.69 24.11.87 Jud. 1640 1.12. 09 Kerala
A'bad. 09

Mrs. Rajamma

Baburajan

26.9.46 29.12.69 23.12.69 9.12.87 R-3, 10.13.1640 1.12.09 Alleppey
Kerala

9420

29 B. S. Aleml

- - Bcom
05Insp. 1.6.47 16.1.70 15.1.70 4.12.87 DDI 4.12. 1760 1.12. 89
Inv. 07 09 Bijapur

9421

30 K. Sebastian

- - SSC
w.p.m
passed- - 100 26.9.45 23.1.73 23.1.70 1.1.00 DDI 1.0.1720 1.2. Aranatukara
Trichur
A'bad.

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32	N.T. Matiwala	Offg Dp	-	SSC	Insp. 13.7.43	1.2.50	1.2.66	1.2.80	Cir-2, Surat.
33	J.J. Vaideya	"	-	F.Y.	UDC 15.9.40	10.0.70	10.0.70	"	J'negai "
34	Ghanshyam N. Bhatt	Offg DP	-	SSC	UDC 16.9.45	4.9.70	4.9.70	23.6.80	DJ(A) 5.10.1600 23.6.90 Jarod BRD 00
35	Smt. Shanta B. Iyer	"	-	SSC	UDC 31.0.47	9.0.70	9.0.70	31.5.80	DC(A20) 10.2.1600 1.5. Palghat SSC 00 A'bad. 00
36	Letish D. Bapat	OG 1.1.73	-	SSC	UDC 5.6.40	12.11.70	14.6.80	Cir.1 14.10.1600 12.11. ERD 02 00 Abad 00	
37	Miss M.T. Matiwala	"	-	SSC	Insp. 15.8.50	4.12.70	4.12.70	Offc Insp. U.E.F. 091	"
38	K.K. Thakore	"	-	SSC	Insp. 16.3.44	15.12.70	15.12.70	R-4, 20.6.1000 27.6. Sayan 00 00 Abad 00 09	Surat.
39	R.S. Ranade	"	-	SSC	UDC 5.1.48	16.12.70	16.12.70	BR-2, 1.1.1600 1.1. BRD 75 00 00 090	"
40	D.A. Chhaya	"	Sub 10.7.73	SSC -	Insp. 2.7.51	19.1.71	30.6.80, RR-2, 30.6.1600 1.6. June- 00 RKT 00 +40 90 gadh	"	
41	Mrs. Sarojini U. Mehta	SSC 5.0.69	-	SSC	-	11.1.40	22.7.69	19.4.80 DCIT 10.4.1720 1.0.90 BRD 00 00 00 00	"

114	Thakorebhai B. Patel	Offg D.P	Sub - Steno. 1.3.71	Bcom SSC 81	Insp. 10.4.51 12.12.47 17.1.60 17.1.60 9.6.00	Asst. 2 9.6.1720 BRD 88 90 n
115	U.H. Patel	n	Sub - Steno. 1.3.71	Bcom SSLC 80	Insp. 10.4.51 31.7.69 31.7.69 14.4.89	R-4 14.4.1720 Abad 88 90 n
116	Mrs. Rosanna Joseph	n	-	Bcom SSLC 83	Insp. 15.12.46 20.1.71 20.1.71 13.6.88	DC(A) RKT 13.6.1720 14.6.90
117	K.R. Me st ir	n	-	Bcom Insp. 5.5.52 80	22.1.71 22.1.71 9.5.88	DC(vig) A ^{bad} 80
118	45 M.D.C. Bhat	n	-	Bcom SSLC 1.3.63	15.7.59 15.7.59 30.9.88	1.5. 90
119	H.K.C. K. Penicker	n	06 1.3.69	SSLC 63	2.1.48 3.5.47 24.7.69 24.7.69	DC(A) AR-C 4.1.1900 Abad oct. 03 DDT Inv. Abad
120	H.Suhas S. Patil	n	06 1.3.69	UDC 63	13.9.47 23.10.69 23.10.69 13.12.68	AR-7 18.6.1600 Abad 88 90
121	H. K.T. Thomas	n	06 1.3.69	SSLC 74	4.6.49 25.3.70 25.3.70 24.10.88	1.1.1. Kerala Asst. 88 -5,Abad.
122	S.D.T. K. Kunjumoni	n	-	Bcom 81	UDC 6.6.48 7.4.70 7.4.70 1.12.88	DC(A) 1.12. 1500 1.1. Kerala Abad 88 90
						SST/100

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ESTABLISHMENT LIST AS ON 1.9.1989
STENOGRAPHER(ORDINARY) GRADE

Sanctioned Strength - (Perm. - Temp.)

: Rs. 330-10-330-EB-12-500-EB-15-560

(1) Revised Scale(1973) : Rs. 1200-30-1560-EB-40-2040 (IVth Pay Commission w.e.f. 1.1.1986)

(2) Revised Scale(9986)

Sr. No.	Name in full	Offg.	If Offg.	SC/ ST Educ.	Qualification	Date of birth	Dt. of commencement of continuous service in the Govt. Dept.	Pre-sent joining pay	Pre-sent pay	Dt. of joining pay	Home of Town/ Dist.
1	Gopalan Moriyankari	Sub 5.3.69	-	SSLC	DE/Insp.	20.12. 44	12.2. 64	12.2. 64	1.6. 69	Offg.Insp.	
2	Madhu Tharumal Kattar	"	-	-	Pre Arts	SST/100 6.1. 47	24.3. 57	24.3. 67	1.6. 69	Offg.SG.II. w.e.f. 2.1.82	
3	T.G.K.Nair	"	-	-	B.Com	26.10. 44	25.11. 57	25.11. 67	1.6. 69	Offg.SG.II 7.1.80	
4	Kurian Mathew Sebastian	Sub	-	-	SSLC	SST/100 15.7. 44	8.12. 67	8.12. 67	1.6. 69	Offg.SG.II 30.12.80	

100%
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1	2	3	4	5	6a	6b	7	8	9	10	11	12	13	14	15
Bradreshkumar Sub Chimanlal 2.1.73 Patel	(3)	-	-	SSC	UDC/73 SST/100	22.4. 46	13.2. 68	13.2. 68	1.8. 69	Offg. SG.II. w.e.f. 20.1.82					
Harshawadan Sub Anantrai 5.3.69 Bhatt	(6)	-	-	SSC	UDC/72	20.9. 38	9.8. 63	9.8. 63	9.8. 63	Offg. SG.II. w.e.f. 444.33					
Srikant Va- sudev Dev- purkar	(7)	-	-	SSC	UDC/73	30.10. 43	23.3. 63	23.3. 63	1.8. 69	Offg. SG.II 3.5.32					
P. Radhakrish- nan	(8)	-	-	SSC	UDC/73 SST/100	26.10. 45	26.9. 63	26.9. 63	1.8. 69	Offg. SG.II					
Chandra Moha- ndas Ratwani	(9)	-	-	SSC	UDC/81	8.6. 47	9.9. 63	9.9. 63	1.8. 69	Offg. SG.II w.e.f. 31.1.85					
1. Mrs. E. S. Mahala- xmi	(10)	-	-	SSLC	SST/120 UDC/72	3.10. 41	9.9. 63	9.9. 63	9.9. 63	ADI(Inv) 9.9.1.7. 1720 1.12. B' nager 63 97 39 naku am/ken					
Mrs. A. N. Pankey	(11)	-	-	SSLC	UDC/73	7.10. 40	10.9. 63	10.9. 63	1.8. 69	Offg. SG.II w.e.f. 22.4.32					
M. G. Nandkumaran	(12)	-	-	B. Com	SST/100	4.7. 47	16.9. 63	16.9. 63	30.7. 32	Offg. SG.II. 31.7.32					
M. V. Samuel	(13)	-	-	SSLC	-	10.5. 45	16.9. 63	16.9. 63	1.8. 69	Offg. SG.II 4.3.32					

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	1	2	3	4	5	6a	6b	7	8	9	10	11	12	13	14	15	16	17
(14)	Miss Dexa	Sub	-	-	B.Com	Insp/73	23.10.	26.9.	25.9.	1.3.	c Offg.Insp.w.e.f. 17.3.35							
	Mandal	No-5	3.69		LL.B	SST/120	50	63	63	63								
	sania(D.J.Vyas)																	
(15)	Mrs.Asha	"	-	-	SSC	DE/JPC/	19.12.	30.9.	30.9.	1.3.	Offg.SG.II w.e.f. 16.7.37							
	Framodrao					55	49	63	63	63								
	Ma Jthe																	
(16)	Samuel M.	"	-	-	SSLC	SST/100	27.10.	4.10.	4.10.	1.3.	Offg.SB.II 30.7.32							
	George					47	63	63	53	69								
(17)	R.Shashidharan	"	-	-	SSLC	SST/100	30.5.	21.12.	21.12.	1.3.	Offg.SC.II w.e.f. 3.1.35							
	Nair					DE/Insp/	43	63	63	69								
(18)	Kan.Jyoti-	"	-	-	BA	DE/Insp/77	4.9.	10.1.	10.1.		Offg.SG.II w.e.f. 7.1.33							
	bal Narottam					49	69	69										
	Nanavati																	
	(J.B.Sah)																	
(19)	Mrs.V.Vijaya	"	-	-	SSLC	-	20.6.	21.1.	21.1.	1.3.	Offg.SG.II w.e.f. 22.7.33							
	mma						42	69	69	69								
(20)	Mrs.Alice	"	-	-	SSLC	DE/UDC/	23.5.	24.1.	24.1.	1.3.	Offg.SG.II w.e.f. 21.7.33							
	Anthony					73	49	69	69	69								
(21)	Baby Thomas	"	-	-	SSLC	DE/UDC/	22.2.	1.2.	1.2.	1.3.	Offg.SG.II w.e.f. 10.2.34							
						71	43	69	69	69								

	1	2	3	4	5	6a	6b	7	8	9	10	11	12	13	14	15	16
(21)	Mr. S. I. Hussain	Sub	-	SSC	DE/UDC	23, 1. 69	15.7. 54	15.7. 54	2.6. 70	Retired on 19.01.1967							
(22)	Mr. Ibrahim Mirza	Sub	-	SSC	SST/100	5.11. 69	14.2. 69	14.2. 69	1.3. 69	Offg. SG. II. w.e.f. 10.7.37							
(23)	Shamzai	Sub	-	SSC	DE/Insp/	11.11. 47	13.2.12. 69	13.2.12. 69	1.3. 69	Offg. SG. II. w.e.f. 3.3.35							
(24)	Mr. Jayadas	Sub	-	SSC	SST/100	30.12. 43	1.3. 69	1.3. 69	1.3. Cir. I 69	1.3. Cir. I 69	1.3. Cir. I 69	1.3. Cir. I 69	1.3. Cir. I 69	1.3. Cir. I 69	1.3. Cir. I 69	1.3. Cir. I 69	
(25)	Shashikant	Sub	-	SSC	UDC/72	43	Surat	35	Surat	35	Surat	35	Surat	35	Surat	35	Surat
(26)	Bhavdhar	Sub	-	SSC	UDC/73	19.11. 43	13.3. 69	13.3. 69	13.3. 69	Offg. SG. II. w.e.f. 6.12.35							
(27)	Jagd. Shanchand Shre Kantilal Pachher	Sub	-	SSC	UDC/74	5.5. 50	11.7. 69	11.7. 69	1.3. 69	Vol. Retired on 31.10.89							
(28)	Mrs. Tirojini S. Chistiian	Sub	-	B. Com	SST/100	12.1. 48	15.7. 69	15.7. 69	15.7. 69	Offg. SG. II. w.e.f. 30.2.33							
(29)	Himatlal Shah	Sub	-	SSLC	DE/UDC/	73	15.7. 69	15.7. 69	15.7. 69	Offg. SG. II. w.e.f. 26.6.36							
(30)	K. Sitkamaram Nair	Sub	-	SSLC	-	5.9. 46	21.7. 69	21.7. 69	21.7. 69	Offg. SG. II. w.e.f. 19.4.33							
(31)	Smt. Tirojini Umesh Mehta	Sub	-	SSC	-	11.1. 43	22.7. 69	22.7. 69	1.3. 69	Offg. SG. II. w.e.f. 19.4.33							

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
M. D. Chandra Sub Sekharan	53	69	-	-	SSLC	-	-	-	24.7	24.7	1.3	O/LIG, SG, II w.e.f.33	-	-	-

Miss Roshan " - - SSC Insp/77 13.11. 25.7. 26.7. 1.8. Offs.Insp. w.e.f.2.1.34
Soliy Chotia 49 59 69 69

S.Ramachandran - - - - - SSLC - - - 19.3. 25.1. 25.1. 1.3. Offg.SG.II w.e.f.
41 63 63 69

Sadanand ^{II}
Ambadas Patki - - - SSC -
4.2.
43
1.3.
69
1.3.
69
1.3.
69
Offg. SG. II w.e.f.

M. Balachandran - - - SSC SST/120 29.5. 4.3. 4.3. 4.3. IAC Confirmed in ITAT, Ahmedabad on Deputation to Registrar ITAT.

Mrs.Laxmi Gopalan 19.6. 13.10.13.10. 13.10 Offg. SG.II. w.e.f. 24.10.59
SSLC 43 69 69

Subhash Ball- Sub - - BA DE/UDC/ 3.9. 23.10.23.10. 23.10. Offg. SG. II. W. e. f 13.12.33
chandra Patkar 1.3.71 75 47 69 69 69 AN AN AN

Miss Renuka " - - - B.Com DE/Insp/ 73. 25.10. 25.10. 25.10. Offg Insp. w.e.f. 88.
Maganal Shah 76 51 69 69
Mrs.R.K.Topiwala

(M. S. Trivedi)
M.A. LL.B.
Advocate

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Diarised under
MA St. No 563 93

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.

RA/M.A./O.A./ T.A./ 538 19893 in 04/572/93

MR. M.D.C. Neer Applicant (s).

MR. M.S. Tavader Adv. for the
Petitioner (s).

Versus

Union of India & Ors. Respondent (s).

Adv. for the
Respondent (s).

SR NO.	DATE.	ORDERS.
		Condonation of Delay <i>D/o 15-12-93</i>

(45)

Filed by Mr. ... M.S. Trivedi
Learned Advocate for Petitioners
with second side & N.I.C. spares
copies copy served/not served to
other side

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH AHMEDABAD.

M.A.SR. 563/93

Original Application No. of 1993.

M.D.C. Naik
Shri ~~D.C. Range~~, Dy. Director I.T.
Steno Grade -I, (S.G.) D.C. Range -I.T.
D.C. Range-6,
Ahmedabad.Applicant.

V/s.

Union of India & others.Respondents.

M.A. for Condonation of delay.

The applicant above named most respectfully submits as under :-

(1). That the applicant had filed one application under section 19 of A.T. Act, before this Hon'ble Tribunal regarding seniority and promotion, the said application is registered on O.A. St. No. of 1993.

(2). The applicant further states that the applicant was ~~debarred~~ from appearing of the examination for period of 2 years on the ground that the applicant was found ~~years on the examination~~ using unfair means in the test held in the year 1985. It is further stated that the applicant had approached this Hon'ble Tribunal at that time by filing application under section 19 of A.T. Act.

(3). The applicant further states that the said application was registered as O.A. No. 40/86

(2)

and the Hon'ble Tribunal was pleased to pronounced final order /judgment dtd.12.5.1988 in the said case alongwith other group matter (Annexure : A). The applicant further states that by that judgment the impugned action of the respondent authority ^{way} as quash and set aside by the Hon'ble Tribunal and it was further held that further promotions of the applicant should not be held.

(4) The applicant further states that thereafter vide O.O dtd. 27.9.1988 the applicant was promoted in the grade of Rs. 1400 -2300 on Si. to Grade II by the respondent authority. It is pertinent to note that it was specifically mentioned in the said order that inter-se-seniority of the applicant will be fixed later on. The applicant therefore was hopeful that the respondent authority will fix the seniority of the applicant immediately and accordingly. The applicant further states that no action was taken by the respondent authority therefore the applicant had submitted representation to the ^{one} respondent authority on 12.8.1991. (Annexure : A).

(5) The applicant further states that it was specifically mentioned in the said representation dtd. 12.8.1991 that the number of juniors to the applicant have been promoted by the respondent authority therefore the benefit of deem date promotion and inter-se-seniority may be given to the applicant in the seniority ~~xxxxxxxxxxxx~~ list of 1989. It is significant to note that no any response or reply is given by the respondent authority till this date ~~by the respondent authority~~ which is illegal.

(6). The applicant further states that the respondent authority is going to prepare and publish revised seniority list of Steno Grade I (S.G.) and D.P.C. is going to be held for the promotion in the grade of P.A. (personal assistant to CIT) in short time, for which the applicant is due.

(7) ^{as} The applicant further states that ~~on~~ the applicant had submitted representation dtd. 12.8.1991 to the respondent authority, therefore the applicant states that as per section 21 of A.T. Act, the applicant ought to have come before the Hon'ble Tribunal within one year, i.e. immediately ~~the~~ after expiry of time limits of Six months from the date of the said representation.

(8) The applicant further states that the applicant have ought to have come before the Hon'ble Tribunal between 12.2.1992 to 12.2.1993 where ~~by~~ as the applicant had filed this application on ~~therefore~~ there is delay of 7 months. The applicant further repeats and reiterates what is stated hereinabove and states that the applicant was hopeful and under ~~benefide~~ impression that the respondent authority will take necessary legal steps immediately and therefore waited for a decision of the respondent authority. It is further stated that but no any response or reply given by the authority ~~that~~ this date then ultimately the applicant had approached this Hon'ble Tribunal.

(9) In the above premises and looking to the facts and circumstances of the case these id delay of seven month

: 4 :

in filing of this application deserves to be condoned in the interest of justice. The applicant therefore pray as under :-

- (A) that the Hon'ble Tribunal be pleased to allow this application;
- (B) that the Hon'ble Tribunal be pleased to condone the delay of seven months in filing this application and place the application for further orders on admission;
- (C) any other and further reliefs that the Hon'ble Tribunal may deem fit may be given to the applicant;

H. S. Naik
(H. S. Naik)

Dt. 27/9/1993.

Applicant.

Ahmedabad.

AFFIDAVIT

I, M. D. C. Naik

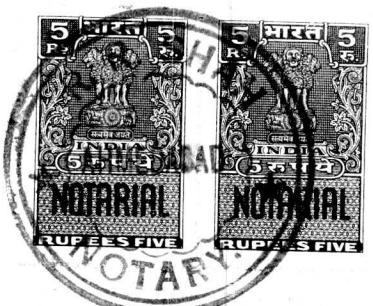
adult, occ.

service, resident of Ahmedabad, solemnly affirm and states that what is stated hereinabove in para 1 to 9 are true and I have not suppressed any materials facts.

H. S. Naik
(M. D. C. Naik)

Applicant.

M. S. Trivedi
Advocate for the Applicant.



BEFOR ME

R. R. SHAH 27/9/1993
NOTARY
AHMEDABAD

H. S. Naik
27-9-93.

Submitted,

Application found to be in order. May be placed
before Hon'ble. Bench for necessary order.

ceecal
6/10/93

Blfrn
6/10/93

SO (J)

DE (J) Plain
6/10/93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD
MATELLISOT95

(49)

O.A./T.A./M.A./B.A./C.A. No. 176/95 in 04/ST2/93

MR. M.D.C. Naik

APPLICANT (S)

MR. M.S. Tariqali

COUNSEL

VERSUS

U.O.I. & O.E.

MR. R.P. Bhatt

RESPONDENT (S)

COUNSEL

DATE	OFFICE REPORT	ORDER
	Early Hearing	<p>30/3/95</p> <p>16</p>

M.S. Shinde
Advocate for Petitioners
and set. No. 11
Date _____
Time _____
Place _____

26/4/95 By Registrar C.A. 3
S. S. 1000

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.

Entered 150/5
Miscellaneous Application No. 176 Of 1995.

IN
Original Application No. 572 of 1993.

Shri M.D.C.Nair,
Steno Grade I,
Income Tax Department,
Ahmedabad.

...Applicant.

Versus

Union of India and others

...Respondents.

M.A. FOR EARLY HEARING.

The applicant above named most respectfully
submits as under :

- 1) That the applicant had filed one application under Section 19 of the Administrative Tribunals Act, challenging action of the respondents regarding non-promotion of the applicant. It is further stated that said application is registered as OA/572/93, and Hon'ble Tribunal was pleased to Admit the said application in the month of June, 1994.
- 2) That the applicant further states that thereafter, the respondents had not filed reply so far

in the said matter. It is pertinent to note that number of juniors to the applicant have been promoted and getting higher pay scales than the applicant, whereas applicant is illegally denied and deprived of the said benefit. Thus, the applicant is facing recurring loss and therefore, the application of the applicant deserves to be heard on priority basis or expeditiously.

3. The applicant therefore, prays as under :

- (1) That the Hon'ble Tribunal be pleased to allow this application.
- (2) That the Hon'ble Tribunal be pleased to fix the final hearing of O.A./572/93 on priority basis.

Date : 24/11/95

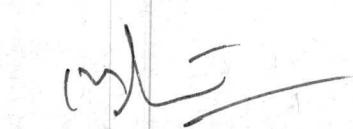
Place: AHMEDABAD.



Signature of the Applicant.

VERIFICATION

I M.D.C.Nair, adult, occupation service, resident of Ahmedabad do hereby verify and states that what is stated herein above are true and I have not suppressed any material facts.



(M.S. TRIVEDI)
ADVOCATE.

Signature of the applicant.

Submitted.

Application has been scrutinized and found in order.
May be placed before Hon'ble Bench for necessary order.

cc:cc:af
01/03/95

On 13/03/95
SD (J)

On 13/03/95
DD (J)