

O.A.NO.563 OF 2001

ORDER DATED 03-10-2002.

Heard Shri D.P.Dhalsamant, the Learned Counsel for the Applicant and Shri B.Dash, Learned Additional Standing Counsel appearing on behalf of the Respondents/Department and perused the records.

Applicant, who is presently working as Inspector of Income Tax has prayed (in this Original Application under Section 19 of the Administrative Tribunals Act, 1985) for direction to the Respondents/Department to raise the age limit from 55 to 57 years in order to make him eligible for appearing at the Departmental Examination for the post of Income Tax Officer on the ground that the age of retirement of Central Government employees having been increased from 58 to 60 years, the Respondents ought to have extended/added two years simultaneously to the maximum age stipulated (for Income Tax Inspectors) for appearing at the departmental Examination for the post of Income Tax Officer and that thereby the maximum age should have been raised from 55 to 57 years. Apart from this, the Applicant has taken one more ground that one Sri K.S.Bhukta, Inspector of Income Tax having been allowed to appear at the said I.T.O. examination in the year 2001 inspite of he having crossed the age limit of 55 years, the Applicant has been discriminated against.

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Respondents have filed their counter, opposing the prayer of the Applicant. As to the averments of the Applicant with regard to Shri K.S. Bhukta, the Respondents have stated that the request of Shri Bhukta having been considered by the Directorate he was allowed to appear in the Departmental Examination for I.T.O., 2001 only in respect of paper of Book Keeping. This apart, Respondents have stated that the Applicant did not apply to the Director of Income Tax, before filing of this Application (Original Application) to allow him to appear at the said examination.

We have considered the rival submissions of the parties carefully.

By order dated 10-01-2002, this Tribunal issued directions to the Respondents to allow the Applicant to sit for the I.T.O. examination; which was to be commenced from 15th to 22nd January, 2002 and it was directed that the results of the said examination, in respect of the Applicant should not be published during the pendency of this case. As it appears, from the counter filed by the Respondents, they have complied the above said interim direction of the Tribunal.

In consideration of submissions made by the learned Counsel for both sides, we feel that it would not be proper on the part of the Tribunal to issue direction to Respondents to raise the age limit for Departmental Examination (for the post of I.T.O.) from 55 to 57 years; the same being a policy matter.

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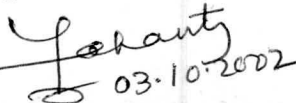
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The Applicant has not challenged the vires of the Recruitment Rules; under which departmental Examinations are held; In this view of the matter, we leave this matter to Respondents (Particularly to Respondent No.2) without expressing any opinion to consider the grievances of the Applicant; as raised in this Original Applicant, and if Respondent NO.2 feels that the grievances of the Applicant deserve consideration (in the light of the decision taken in respect of Shri Bhukta) then the said Respondent NO.2 should issue necessary orders for announcement of the result (of I.T.O. Examination) in respect of the Applicant.

This Original Application, in the aforestated terms disposed of. No costs.

Send copies of this order to the parties.


(B.N. SOM)
VICE-CHAIRMAN


03.10.2002
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

KNM/CM.