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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00233 of 2015
Cuttack, this the 1st day of May, 2015

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

Nathan Raul,
aged about 59 years,
S/o.
Permanent resident of Surya Nagar,
Bhubaneswar, Dist- Khurda,
At present working as Chief Commissioner of Income Tax,
Odisha, Bhubaneswar- 751007.

...Applicant

(Advocates: M/s. J.M.Patnaik, C. Panigrahi)

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Union of India Represented through its

1. Secretary (Revenue),
Ministry of Finance, Department of Revenue,
Central Secretariat, New Delhi-110001.
2. Chairman,
Central Board of Direct Taxes,
Ministry of Finance, Department of Revenue,
North Block, New Delhi- 110001.
3. Member (P&V),
Central Board of Direct Taxes,
Department of Revenue, North Block,
New Delhi- 110001.
4. Secretary,
Department of Personnel & Training,
North Block, New Delhi, PIN-110001.

... Respondents

(Advocate: Mr. A.C.Deo)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. J.M.Patnaik, Learned Counsel for the Applicant, and Mr. A.C.Deo, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant, in this present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, prayed for the following reliefs:

"(i) To call for the concerned records from the Respondents;

(ii) To upgrade the gradings made in the ACRS of the applicant for the financial years 1983-84, 1984-85, 1986-87 and 1987-88 as the same were giving without any opportunity to the applicant as per the decision of the Hon'ble Apex Court in the case of Dev Dutt Vrs Union of India and others (Civil Appeal No. 7631/200) AND/OR to direct the Respondents to upgrade the gradings made in the aforesaid ACRs as the same was given without affording any opportunity to the applicant AND, consequently, restore the inter-se seniority of the applicant and grant him all consequential service and financial benefits retrospectively;

(iii) Pass any other appropriate order....."

3. The case of the applicant is that he was selected to Indian Revenue Service in the year 1980. On 10.04.1989, He was promoted to the grade of Deputy Commissioner of Income Tax. His grievance is that though he should have been placed at Sl. No. 55, he was placed much below his erstwhile juniors at Sl. No. 119 reducing his inter se seniority by 64 positions. He has made several representations since then to restore his seniority but till date the same has not been considered and, in the meantime, his juniors have also marched ahead. Mr. Patnaik, Ld. Counsel for the applicant, submitted that the applicant has made an exhaustive representation on

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05.11.2014 as at Annexure-A/11 to Respondent No.1 but till date no response has been received by the applicant.

4. Taking into account the submission made by Mr. Patnaik, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 1 to consider and dispose of the representation as at Annexure-A/11, if the same has been filed and is still pending consideration, in a well reasoned order and communicate the same to the applicant within a period of 30 days from the date of receipt of a copy of this order. As Mr. Patnaik apprehends that there may be a selection committee meeting to promote some officers to the rank of Principal Chief Commissioner of Income Tax and, accordingly, he prays to stay the selection committee meeting. In the absence of any factual position, at this stage, I am not inclined to stay the selection committee meeting, however, in case of any such eventuality, it is made clear that if all the posts of PCCIT are not filled up then till the representation is considered and result communicated to the applicant, one post of Principal Chief Commissioner of Income Tax shall be kept vacant. However, if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Patnaik, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 1 and 2 by Speed Post for which he undertakes to file the postal requisites by 05.05.2015. Free copy of this order be made over to Mr. Deo, Ld. ACGSC.

(A. K. Patnaik)
Member (Jud.)

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