

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00959 of 2015
Cuttack, this the 13th day of January, 2016

CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Manoranjan Pattnaik,
aged about 47 years,
S/o Raj Kishore Pattnaik,
Inspector, O/o- Director of Income Tax (I & CI),
Ayakar Bhawan Annex, 4th Floor, Rajaswa Bihar,
Bhubaneswar-7, Dist- Khurda,
permanent resident of Vill/PO- Kalyanpur,
Via- Palahat, Dist- Khurda-2, Odisha.

...Applicant

(Advocates: M/s. N.R.Routray, S.Sarkar, U.K.Bhatt, Smt. J.Pradhan,
T.K.Choudhury)

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Union of India Represented through its

1. Secretary,
Govt. of India, Ministry of Finance,
Department of Revenue, North Block,
New Delhi- 110001.
2. Chairman,
Central Board of Direct Taxes,
Ministry of Finance, Department of Revenue,
North Block, New Delhi- 110001.
3. Principal Chief Commissioner of Income Tax (CCA),
Odisha Region, Aayakar Bhawan,
Rajaswa Vihar, Bhubaneswar.
4. Sanjaya Kumar Behera,
At present working as Inspector of Income Tax,
O/o Income Tax Officer, Ward No-II (5),
Aayakar Bhawan, Rajaswa Vihar, Bhubaneswar.

... Respondents

(Advocate: Mr. A.Pradhan)

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O R D E R (ORAL)

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

Heard Mr. N.R.Routray, Ld. Counsel for the Applicant, and Mr. A.Pradhan, 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. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“a. To quash the order of rejection 05.11.2015 passed by the respondent No.3 under ann.-A/9 series so far this applicant is concern;

b. And to direct the respondents to promote the Respondent No.5 to the post of Inspector of Income Tax against the vacancy meant for SC candidate instead of unreserved candidate and accordingly assign the recruitment year.

c. And to direct the Respondents to promote the applicant to the post of Income Tax Officer for the recruitment year 2013-14 as per the provisional seniority/promotion list in the grade of Income Tax Officer under Ann.-A/3.

And pass any other order.....”

3. By drawing our attention to the order of rejection under Annexure-A/9, Mr. Routray forcefully contended that against the draft seniority list the applicant made exhaustive representation on 24.09.2015 to Principal Chief Commissioner of Income Tax (Respondent No.3) citing all the rule positions as well as different law but without answering all the points raised in the said representation in a mechanical way his representation has been rejected under Annexure-A/9, which is not permissible under law.

4. We are satisfied with the argument advanced by Mr. Routray and, accordingly, without going into the merit of the matter, direct Respondent No.3, i.e. Principal Chief Commissioner of Income Tax, to reconsider the

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representation made to him under Annexure-A/8 series on 24.09.2015 and pass a reasoned and speaking order and communicate the same to the applicant within a period of three months from the date of receipt of copy of this order. Though, we have not expressed any opinion on the merit of the matter as we are on the admission stage still we hope and trust that while considering such representation under Annexure-A/8 series the points raised by the applicant in his representation will be taken into consideration keeping in mind rules and regulations in force and if upon such consideration the applicant is found to be entitled to the relief claimed by him, then expeditious steps be taken within a further period of three months from such consideration to extend the said benefits to him. It is also made clear that till the representation is considered and disposed of no further action in pursuance of Annexure-A/9, so far as the applicant is concerned, will be taken.

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

6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to file the postal requisites by 15.01.2016.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)