

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00183 OF 2016
Cuttack, this the 31st day of March, 2016

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

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1. Akshay Kumar Sahoo, aged about 37 years, Son of Bhima Charan Sahoo, Tax Assistant, O/O JCIT, R-1 Ayakar Bhawan, Shelter Chhak, Tulasipur, Cuttack, Permanent residence of Plot No. 3C/271, Sector-9, CDA, Cuttack-753014, Odisha.
2. Samir Chandra Behera aged about 33 years, Son of Sagar Chandra Behera, Tax Assistant, O/O CIT(TDS), 2nd Floor, Ayaker Bhawan Annexe, Rajaswa Vihar, Bhubaneswar, permanent residence Village-Jayarasaran, Post: Jagannathpur, P.S. Baliana, Dist. Khurda, Odisha.
3. Prafulla Kumar Nayak, aged about 32 years, Son of Kshetra Mohan Nayak, Tax Assistant, O/O Income Tax Officer, Kenerapara Ward, Paradeep, Permanent resident of Village-Darada, Post: Borikina, P.S. Balikuda, Dist. Jagatsingpur, Odisha.

.....Applicants

By the Advocate(s)-M/s. N.R. Routray, S. Sarkar, U. Bhatta, Smt. J. Pradhan, S.K. Mohanty, T.K. Choudhury.

-Versus-

Union of India, represented through

1. The 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. Deputy Director of Income Tax, Human Resource Development, ICADR Building, Plot No.6, Vasant Kunj Institutional Area, Phase-II, New Delhi-110070.

.....Respondents

By the Advocate(s)- Mr. P.K. Mohanty

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

M.A.No.225 of 2016 for joint prosecution is allowed. Accordingly

M.A. is disposed of.

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2. All the three applicants are presently working as Tax Assistant in the Income Department. Their grievance is directed against non-consideration of their past services rendered in the old region as qualifying service for the purpose of promotion as Senior Tax Assistant. In circumstances, they have prayed to quash Annexure-A/14 dated 15.03.2016 whereby instructions have been issued to convene DPC for Group 'B' & 'C' grade for the vacancy year 2016-17.
3. It appears that ventilating their grievance, applicants have submitted representations vide Annexure-A/13 series to the Principal Chief Commissioner of Income Tax (CCA) (Respondent No.3) and since no decision has been received, they have moved before this Tribunal for redressal of their grievances.
4. We have heard Mr. N.R. Routray, Ld. Counsel appearing for the applicant and Mr. P.K. Mohanty, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record on the question of admission.
5. Since the matter is under consideration by Respondent No.3, at this stage we are not inclined to admit this O.A. Accordingly, without expressing any opinion on the merit of the matter, we would direct the Respondent No.3 to consider and dispose of the pending representation at Annexure-A/13 series in accordance with the extant rules and regulations and pass a speaking order within a period of 30 days from the date of receipt of this order. It is however, directed that if in the meantime, DPC has met and considered promotion to Group 'B' & 'C' grade posts and no promotion orders have been issued, the same shall be done only after communication of the decision taken on the representations as aforesaid.

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6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. N.R. Routray, Ld. Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which Mr. Routray undertakes to file the postal requisites by 04.04.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

K.B

