

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.489 of 2013

Cuttack this the 25th day of July, 2013

CORAM:

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

Sri Laxmidhar Gajendra, aged about 40 years, S/o. late Kumar Gajendra, a permanent resident of Village/Post-Gadasanaput, Via-Bijpur, PS-Kanas, District-Puri, at present working as Inspector of Income Tax, Office of the Director of Income Tax (Intelligence), Ayakar Bhawan, Annex Building, 4th Floor, Bhubaneswar, Dist-Khurda

...Applicants

By the Advocate(s) Mr.J.M.Pattnaik

-VERSUS-

Union of India represented through

1. The Secretary (Revenue), Ministry of Finance, Department of revenue, Central Secretariat, New Delhi-110 001
2. The Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi-110 001
3. The Chief Commissioner of Income Tax, Odisha Region, Ayakara Bhawan, Bhubaneswar, Dist-Khurda
4. Director of Income Tax (Intelligence), Ayakar Bhawan, Annex Building, 4th Floor, Bhubaneswar, Dist-Khurda
5. Sri Prasanta Kumar Nanda, Senior Tax Assistant, Office of the CIT (Appeal-II), Ayakar Bhawan, Annex Building, Bhubaneswar, Dist-Khurda

...Respondents

By the Advocate(s) – Ms.S.Mohapatra

Abhaya

ORDER(Oral)

HON'BLE SHRI A.K.PATNAIK, MEMBER(J):

Heard Sri J.M.Patnaik, learned counsel for the applicant and Ms.S.Mohapatra, learned Addl.Central Govt. Standing Counsel appearing for the Respondent Nos. 1 to 4 and perused the materials on record.

2. In this Original Application, the applicant has prayed to ante-date his promotion to the post of Senior Tax Assistant from the date his junior (Res.No.5) was promoted with all consequential benefits, by quashing the order of promotion of Respondent No.5 dated 3.7.2009, which has been Annexed to the O.A. at Annexure-A/3.

3. Shri Patnaik submitted that ventilating his grievance the applicant has made a representation dated 11.12.2007(Annexure-A/5) to Respondent No.3 but the same was not considered in its proper perspective as per law laid down by the Hon'ble Apex Court as well as by other Benches of the Tribunal. Shri Patnaik brought to our notice that the case of the applicant is squarely covered by the judgments of the Hon'ble Apex Court rendered in case of Scientific Adviser to Raksha Mantri vs. Union of India & Another vs. V.M.Joseph, Renu Mallick vs. Union of India & Ors., the order dated 9.8.2012 of the Jodhpur Bench of the Tribunal in O.A.No.522/2011 and submitted that the authorities should have considered the case of the applicant as per law laid down in the aforesaid decisions. Shri Patnaik seeks liberty of this Tribunal to file a comprehensive representation to the Chief Commissioner of Income Tax (Res.No.3) raising all these points as well as citing the judgments as referred to above for consideration of his case. We do not find any logic not to allow the applicant to make any such

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representation. Accordingly, we allow the applicant to file a comprehensive representation before Respondent No.3 raising all those points and case laws as indicated above justifying that his case is covered by the decisions (supra) within a period of seven days, on receipt of which the latter should consider and dispose of the same through a reasoned and speaking order within a period of thirty days from the date of receipt of such representation. It is however, made clear that if the representation of the applicant does not reach Respondent No.3 within seven days then he will forfeit his right to make such a representation.

4. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

5. Send copy of this order along with paper book to Respondent No.3 at the cost of the applicant for which Shri Pattnaik undertakes to file the postal requisites by 26.7.2013. Free copies of this order be made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)


(A.K.PANAIK)
MEMBER(J)

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