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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.316/2011

Jodhpur, this the 13th February, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Bikram Dutt S/o Late Shri A.C. Dutt, aged 46 years, posted as Assistant Registrar, Income Tax Appellate Tribunal, 69, Polo First, Paota, Jodhpur (Raj.).

.....Applicant

Mr. Vinod Rajoria, counsel for applicant.

Vs.

1. The Union of India through the Secretary, Ministry of Law, Government of India, 4th Floor, Shastri Bhawan, New Delhi.
2. The Registrar, Income Tax Appellate Tribunal, 4th Floor, Old Central Government Office Building, 101, Maharshi Karve Marg, Mumbai.
3. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

...Respondents

Mr. Vinit Mathur, counsel for respondents No.1&2.
Mr. M.Prajapat, on behalf of
Mr. Ravi Bhansali, counsel for respondent No.3

ORDER (ORAL)

Per Justice K.C. Joshi, Member (J)

Applicant by way of this application has prayed for following relief(s):-

"It is, therefore, most respectfully prayed that looking to the above mentioned facts and circumstances of the matter, the respondents may kindly be directed to convene the DPC for promotion on the post of Dy. Registrar in the Income Tax Appellate Tribunal, from the post of Assistant Registrar and it may be further directed that if applicant candidatures is found fit for promotion then he shall be promoted on the post of Dy. Registrar with all consequential benefits or pass any appropriate order or direction which this Hon'ble Tribunal thinks fit in the interest of justice."

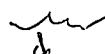


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2. As we are proposing to dispose of this application, therefore, without going into the merits of the case, we are only mentioning the brief facts of the case.

3. The applicant is presently working as Assistant Registrar, Income Tax Appellate Tribunal, Jodhpur, w.e.f. 11.03.1996 and he is continuously discharging his duties on the said post, and as per his version he belongs to Scheduled Caste category. The respondents has not convened any DPC though the post of Deputy Registrar, which fell vacant in the year 2004-2005 and the vacancy was earmarked for the Scheduled Caste category. The Department is not convening any DPC since 2004-2005, therefore, the applicant has prayed for the above mentioned relief(s).

4. The respondents No.1&2 filed the separate reply and respondent No.3 opted for a separate reply. In their reply, the respondents No.1&2 averred that the Registrar, Income Tax Appellate Tribunal, vide letter dated 18.08.2011 has sent a revised proposal to the Joint Secretary, Ministry of Law & Justice, Delhi, to convene a DPC meeting for the appointment of five Deputy Registrars. It has been further averred that an Assistant Registrar becomes eligible for being considered for promotion to the post of Deputy Registrar only after completion of a minimum of seven years regular service in the grade of Assistant Registrar. The Ministry of Law is supposed to convene a DPC meeting and the role of the Income Tax Appellate Tribunal is very limited. It is further averred that due to certain queries raised by the Law Ministry and UPSC, the procedure of convening DPC has been delayed but there is no lapse or negligence on the part of the Income Tax Appellate



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Tribunal. It is further averred that the name of the applicant is in the list of officers/officials falling in the zone of consideration.

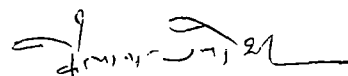
5. The respondent No.3 by way of a separate reply averred that there is an enquiry pending with the Central Vigilance Commission against the applicant disputing the claim of Scheduled Caste category. Further the respondent No.3 also averred that due to non-availability of ACRs of some of the officials falling in the zone of consideration, the DPC could not be convened but now all efforts should be made by the Commission to convene the meeting of the DPC to consider promotion to the post of Deputy Registrar in the Income Tax Appellate Tribunal immediately on receipt of the deficient ACRs of the officers falling in the zone of consideration, including that of the applicant. It has been specifically mentioned in para 7.5 of the reply of the respondent No.3, that ACRs of some of the officials including the applicant has not been received.

6. We are disposing of the application with a direction to the respondents to convene the meeting of the DPC for promotion to the post of Deputy Registrar, Income Tax Appellate Tribunal within six months from the date of receipt of a copy of this order, strictly in accordance with law, and the candidature of the applicant falling in the reserved category shall be considered by the competent authority in accordance with law.

7. Accordingly, the OA is disposed of. No order as to costs.



[Meenakshi Hooja]
Administrative Member



[Justice K.C. Joshi]
Judicial Member