

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
O.A.No.472/2002.

Friday this the 5th day of July 2002.
CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Sri. N. Prabhakaran, Inspector of Income Tax,
Office of the Additional Commissioner of Income Tax,
Range I, Calicut-673 001. Applicant

(By Advocate S/Shri P.Balakrishnan and Amritharaj)

Vs.

1. Union of India represented by the Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. The Chief Commissioner of Income Tax, CR Building, I.S.Press Road, Cochin-682 018. Respondents

(By Advocate Shri C.C.Abraham, ACGSC)

The application having been heard on 5th July, 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant while holding the post of Tax Assistant was by order dated 2.7.2001 promoted as Office Superintendent in the scale of pay of Rs.5500-175-9000 from the cadre of Tax Assistant. Immediately prior to the A-1 order, by order dated 28.6.2001 (A2), fifty five Assistants were promoted as Office Superintendents. The case of the applicant is that the applicant should have been before being promoted as Office Superintendent direct from the post of Tax Assistant, promoted to the post of Assistant first and then as Office Superintendent so that he would get two fixations of pay under FR 22(1) (a) (i) which has been denied to him. Projecting his grievance he has made a representation on 28.11.2001 (A4) to the Chief Commissioner of Income Tax, Cochin which was followed up by another representation dated 14.2.2002. Finding that there is no

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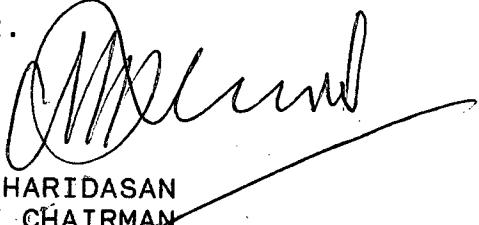
response to these, the applicant has filed this application for a direction to the respondents to promote the applicant to the cadre of Assistant in the time scale of Rs.5000-150-8000 in one of consequential vacancies arising on the basis of Annexure A2 order retrospectively and then to regularise his promotion to the cadre of Office Superintendent in the time scale of Rs.5500-175-9000 as per A-1 order and fix his pay accordingly.

2. When the O.A. came up for hearing on admission Mr. CC Abraham, Additional Central Government Standing counsel took notice on behalf of the respondents. Counsel on either side agree that the application may now be disposed of directing the 2nd respondent to consider the representations (A4 and A5) of the applicant in the light of the vacancy position in the cadre of Assistants, rules and instructions on the subject and to give the applicant an appropriate reply within a reasonable time.

3. In the light of the above submission made by the learned counsel on both sides, the application is disposed of directing the 2nd respondent to consider the A-4 and A-5 representations of the applicant in the light of the vacancy position in the cadre of Assistants, rules, instructions and rulings on the subject and to give the applicant an appropriate reply within a period of two months from the dte of receipt of a copy of this order. No costs.

Dated the 5th July 2002.


T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE, CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of order dated 2.7.2001 of the 2nd respondent.
2. A-2: True copy of order dated 28.6.2001 of the 2nd respondent.
3. A-3: True copy of the order dated 4.7.2001 of the 2nd respondent.
4. A-4: True copy of representation dated 28.11.2001 addressed to the 2nd respondent.
5. A-5: True copy of letter dated 14.2.2002 addressed to the 2nd respondent.

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