

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 510/95

MONDAY, THIS THE SEVENTH DAY OF APRIL, 1997.

C O R A M:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A. M. SIVADAS, JUDICIAL MEMBER

1. B. Sarit Kumar,
Inspector of Incometax,
Office of the Deputy Director of Incometax,
Aayakar Bhavan, Kowdiar, Trivandrum.
2. Augustine Wales,
Inspector of Incometax
Income Tax Office, Kollam.Applicants

Vs.

1. The Chief Commissioner of Incometax,
C.R. Buildings, I.S. Press Road,
Ernakulam.
2. Smt. C.M. Prameela,
Inspector of Incometax, Ward I, Vasantham Towers,
Peroorkada, Trivandrum.
3. Smt. J. Sreelatha,
Inspector of Incometax,
Income Tax Office, Alleppey.
4. K.J. Joseph,
Inspector of Incometax,
Aayakar Bhavan, Kowdiar, Trivandrum.
5. V. Vinayakan,
Inspector of Incometax,
Office of the Deputy Director of Incometax,
Aayakar Bhavan, Calicut-1.
6. T.G. Jaisonlal,
Inspector of Incometax,
Office of the Deputy Director of Incometax,
Aayakar Bhavan, Kowdiar,
Trivandrum.Respondents

The application having come up for hearing on 7.4.1997
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

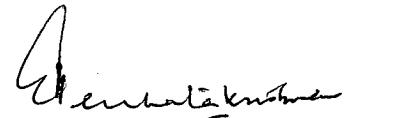
Neither the applicants nor their counsel are present. The application is dismissed for default. No costs.

Dated the 7th April, 1997



A. M. SIVADAS
JUDICIAL MEMBER

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P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA NO. 510 of 1995

Thursday, this the 12th day of June, 1997

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HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. AM SIVADAS, JUDICIAL MEMBER

1. B. Sarit Kumar,
Inspector of Income Tax,
Office of the Deputy Director
of Income Tax, Aayakar Bhavan,
Kowdiar, Trivandrum.
2. Augustine Wales,
Inspector of Income Tax,
Income Tax Office, Kollam. .. Applicants

By Advocate Mr. KMV Pandalai

Versus

1. The Chief Commissioner of Income Tax,
C.R. Buildings, I.S. Press Road,
Ernakulam.
2. Smt. C.M. Prameela,
Inspector of Income Tax, Ward I,
Vasantham Towers, Peroorkada,
Trivandrum.
3. Smt. J. Sreelatha,
Inspector of Income Tax,
Income Tax Office, Alleppey.
4. K.J. Joseph,
Inspector of Income Tax,
Aayakar Bhavan, Kowdiar, Trivandrum.
5. V. Vinayan,
Inspector of Income Tax, Office of the
Deputy Director of Income Tax,
Aayakar Bhavan, Calicut-1
6. T.G. Jaisonlal,
Inspector of Income Tax, Office of the
Deputy Director of Income Tax,
Aayakar Bhavan, Kowdiar, Trivandrum. .. Respondents

By Advocate Mr. Varghese P. Thomas, ACGSC (R1)

contd...2

The application having been heard on 12-6-1997, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The applicants who are Inspectors of Income Tax directly recruited in Karnataka charge were transferred by A-1 dated 25-11-1991 to Kerala charge. Respondents 2 to 6 are Inspectors of Income Tax of the year 1991 batch who are directly recruited and posted to Kerala charge. Applicants joined Kerala charge in pursuance of A-1 orders on 23-12-1991, whereas respondents 2 to 6 joined their posts on 27-12-1991, 30-12-1991 and 31-12-1991 as direct recruits of 1991 batch to Kerala charge. The grievance of the applicants is that since they have joined Kerala charge earlier than the respondents 2 to 6, they are entitled to be placed higher in the seniority list A2, above respondents 2 to 6.

2. First respondent states that on transfer the applicants are not entitled to count their earlier services, but would be posted against vacancies reserved for direct recruitment and regulated by their date of joining. The seniority is governed by para 3.3. of the Office Memorandum dated 3-7-1986 according to which the applicants will be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion. First respondent has also produced R-1, according to which, applicants will not rank senior to any official who belongs to a batch selected on merit,

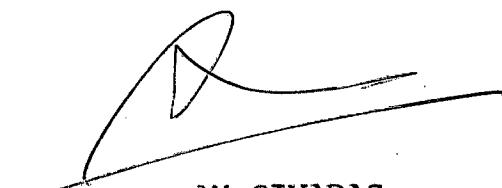
whose inter-se seniority is not regulated by date of joining. First respondent, therefore, submits that the seniority of the applicants in A-2 has been correctly fixed.

3. We find that even in the order of transfer of the applicants (A-1), it is clearly mentioned that the seniority of the applicants will be regulated in accordance with the instructions in Office Memorandum dated 3rd July, 1986 (R3). Applicants have not challenged R-3 or R-1, nor did they challenge the transfer order A-1 in 1991. The orders R-3 clearly state that the transferee shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion. Applicants who came on transfer in 1991 have, therefore, to be necessarily placed below persons directly recruited in the year 1991 to the Kerala charge. This is further made clear by R-1 dated 14-5-1990. It is clear that the seniority of transferees have to be so regulated with reference to their date of joining, but in such a manner that they will be placed below the batch of that year of direct recruits.

4. It is not in dispute that respondents 2 to 6 are direct recruits of the year 1991 and therefore, applicants who had come on transfer in 1991 are rightly placed below the direct recruits of the year 1991, namely respondents 2 to 6. We do not see any reason to interfere with the seniority set out in A-2.

5. The application is dismissed. No costs.

Dated the 12th of June, 1997



AM SIVADAS
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER