

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.N.538/2001.

Wednesday this the 12th day of March 2003.

CORAM:

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

1. K.G.Ramesh Babu,  
Data Entry Operator 'B',  
Computer Centre,  
Office of the Commissioner of Income Tax,  
Aayakar Bhavan, Kowdiar,  
Thiruvananthapuram - 695 003.
2. R.Nanda Kumar,  
Data Entry Operator 'A',  
Computer Centre,  
Office of the Commissioner of Income Tax,  
Aayakar Bhavan, Kowdiar,  
Thiruvananthapuram - 695 003.
3. B.Suresh Kumar,  
Data Entry Operator 'A' ,  
Computer Centre,  
Office of the Commissioner of Income Tax,  
Aayakar Bhavan, Kowdiar,  
Thiruvananthapuram - 695 003. Applicants

(By Advocate Shri B.Raghunathan)

Vs.

1. Union of India, represented by  
Secretary to Government,  
Ministry of Finance,  
New Delhi.
2. Chairman,  
Central Board of Direct Taxes,  
Ministry of Finance,  
Department of Revenue,  
New Delhi.
3. Chief Commissioner of Income Tax,  
Central Revenue buildings,  
I.S.Press Road, Ernakulam,  
Kochi - 682 018. Respondents

(By Advocate Shri K.Kesavankutty, ACGSC)


The application having been heard on 12.3.2003, the  
Tribunal on the same day delivered the following:

O R D E R

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

The 1st applicant is a Data Entry Operator in Group 'B' and the 2nd and 3rd applicants are Data Entry Operators in Group 'A' have filed this O.A. Their grievance is that as a result of the restructuring when the Data Entry Operators were also brought into feeder grade in the posts of Senior Tax Assistants as a condition was introduced that they should pass the Departmental Examination for Ministerial Staff, with the result, while Upper Division Clerks with three years experience could be considered for promotion as they had the chances of taking examination earlier, the category of Data Entry Operators would be denied this benefit. Therefore, the applicants have filed this application for a direction to the respondents to consider the case of the applicants for promotion/absorption as Senior Tax Assistants in the recruitment years 2000-2001 on par with Tax Assistants over and above the UDCs' on the basis of the seniority in the cadre of Data Entry Operators without insisting upon passing the Ministerial Staff Examination and to allow them to acquire the said qualification within a reasonable time, with all attendant benefits.

2. The respondents in their reply statement have stated that having noted the anomaly it has been decided to consider the promotion of Data Entry Operators as Senior Tax Assistants without insisting on their passing the Departmental Examination for Ministerial Staff against the vacancies of the years 2001-2002. The order in that regard has been produced as Annexur-R3(a).



3. When the O.A. came up for hearing learned counsel of the applicant stated that, the 1st applicant has already been promoted as Senior Tax Assistant, but the applicants 2 & 3 remain to be promoted. However, since the grievance of those applicants that they are not being considered for promotion to the post of Senior Tax Assistants against the vacancies of 2000 - 2001 still remains, the counsel states that the applicants would be satisfied, if they are permitted to take up their grievance with the 2nd respondent and the 2nd respondent is directed to consider the matter afresh and to give an appropriate reply to them within a reasonable time. Learned counsel for the respondents also has no objection in disposing of the application in that manner.

4. In the light of the above submission made by the learned counsel on either side and on taking note of the development by issuance of Annexure R3(a), we dispose of the application permitting the applicants to make detailed representations with supporting facts and materials to the 2nd respondent claiming the benefit of consideration for promotion as Senior Tax Assistant for the vacancies of 2000-2001 without insisting on the passing of the Departmental Examination for Ministerial Staff and directing the 2nd respondent that, if such representations are received, the same shall be considered and disposed of with a speaking order within a period of four months from the date of receipt of a copy of this order. No costs.

Dated the 12th March, 2003.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN