

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 15 of 1992.

DATE OF DECISION 23-11-1992

Mrs Aleyamma Vincent Applicant (s)

Mr N Sugathan Advocate for the Applicant (s)

Versus

Central Board of Direct Taxes Respondent (s)
M/o Finance & another

Mr George Joseph, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Hon'ble Shri SP Mukerji, Vice Chairman)

The applicant in this case was working as Lower Division Clerk in the Income Tax Department in Gujarat Charge. On her request she was transferred to Kerala Charge on 17.11.1979 as L.D.C. because when she had applied for such a transfer, she was working as L.D.C. The applicant reconciled herself to her reversion as L.D.C. in Gujarat before her relief and posting in the Kerala Charge as L.D.C. On 12.11.1982 one Shri PG Manmadhan Nair and another Shri K John were also transferred under identical circumstances to Kerala Charge. Both of them had been working as L.D.C. but immediately before their relief, they

were reverted as L.D.C. and posted in the same capacity to Kerala Charge. It appears that Shri Manmadhan Nair had brought to bear some political influence and got his reversion and posting to Kerala Charge as L.D.C. modified and he was deemed to have been posted to the Kerala Charge as U.D.C., instead of as L.D.C. Shri John who was sailing in the same boat as Shri Nair moved this Tribunal in OA-89/89 and this very Bench by the order dated 19.7.1990 directed that Shri John should be given the same treatment as had been given to Shri Nair. The applicant before us has moved this application praying that the benefits extended to Shri John and to Shri Nair should be given to her also.

2. We have heard the learned counsel for the parties and gone through the documents carefully.

3. Shri Manmadhan Nair and Shri John had to be treated identically as they had been transferred to Kerala Charge on 12.11.1982 by the same order and under identical circumstances. It was nothing less than a blatant discrimination between the two. That had to be corrected by us in our judgement dated 19.7.1990. The applicant before us however, had already been transferred more than 3 years before Shri Nair and Shri John were transferred and had reconciled herself as an L.D.C. in Kerala Charge. She cannot be treated at par with Shri John who had been transferred as indicated earlier with Shri Nair by the

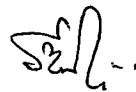
She had represented only in 1990.
same order. / The Hon'ble Supreme Court also has been growing
upon the Courts or the administration, changing seniority when

the same had been fixed, ^{and} ~~has been~~ determined long ago. By allowing the application we would be unsettling the settled seniority which the applicant had acquired in 1979. This will not be conducive ^{to} maintaining a sense of stability in service conditions amongst the staff.

4. In these circumstances, we could not see any reason to interfere in the application and dismiss the same, without any order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER


23.11.92

(SP MUKERJI)
VICE CHAIRMAN

23-11-1992

trs