

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

D.A.222/02.
Monday this the 8th day of April 2002.

CORAM:

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

C.Madhavan, Stenographer (Gr.II),
Office of the Joint Commissioner of Income Tax,
Municipal Building, West Fort,
Trichur-680 004. Applicant

(By Advocate Shri P.Balakrishnan)

Vs.

1. Union of India, represented by
Secretary, Ministry of Finance,
Department of Revenue, New Delhi.
2. The Chief Commissioner of Income Tax,
CR Building, I.S.Press Road,
Cochin-682018.
3. Shri P.G.C.Pillai, Inspector of Income Tax,
Office of the Joint commissioner of
Income Tax, QMC/842, Hospital Road,
Quilon 691001.
4. Smt. Annamma Kurien, Inspector of Income Tax,
Office of the Joint Commissioner of Income Tax,
Kottayam 686 001.
5. Sri. K.M.Thomas, Inspector of Income Tax,
Office of the Joint Commissioner of
Income Tax, Kottayam-686 001.
6. Filomina Babychan, Inspector of Income Tax,
Income Tax Office, Salary circle,
I.S.Press Road, Cochin-682 018. Respondents

(By Advocate Shri N. Mahesh, ACGSC for R.1&2)

The application having been heard on 8th April 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, Stenographer Grade-II, while working in the
office of the Joint Commissioner of Income-Tax, Bombay charge,
had passed the Income-Tax Inspectors' Examination in the year
1979. For domestic and personal reasons, he sought inter-charge
transfer to Kerala and joined the Kerala charge on 5.10.87 with
bottom seniority. His grievance is that, while he has lost only

seniority but not the entitlement for promotion as Inspector of Income-Tax on the basis of his success in the examination held in the year 1979, the respondents 1 & 2 overlooked the superior claim of the applicant for promotion as Inspector of Income Tax on the basis of his earlier success in the examination. Aggrieved by his non-consideration for promotion along with the respondents 3 to 6 who have passed the examination subsequent to his passing the applicant made a representation to the 2nd respondent on 20.8.2001 and followed it up with another representation dated 18.12.2001. Finding no response, the applicant has filed this application for a direction to the respondents to promote the applicant in the vacancy meant for date of passing from the cadre of Stenographers on the basis of his passing the departmental examination for Inspectors of Income-Tax in the year 1979 retrospectively and to draw and disburse arrears of salary etc.

2. Heard Shri P.Balakrishnan, learned counsel of the applicant and shri N.Mahesh, Additional Central Government Standing Counsel appearing for the respondents. The grievance of the applicant of non-consideration for promotion at the due time has been projected by the applicant in his representation addressed to the 2nd respondent. We are of the considered view that, the interests of justice would be met now by directing the 2nd respondent to consider the grievance of the applicant projected in A-5 and A-6 in the light of the rules, rulings and instructions on the subject and to give the applicant a speaking order within a reasonable time.

3. We, therefore, dispose of the application at the admission stage itself directing the 2nd respondent to consider the

grievance of the applicant projected in A-5 and A-6 in the light of the rules, rulings and instructions on the subject and to give the applicant a speaking order within a period of one month from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 8th April, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the order BC No.153-15/77 dated 31.8.87 of the Chief Commissioner of Income Tax, Bombay City I.
2. A-2 : Extract from the Disposition list of Non gazetted Establishment as on 1.9.99.
3. A-3 : Order F.No.11/Estt/2/CC/CHN/Con/2000-01, dt.4.7.2001 of the 2nd respondent.
4. A-4 : Order F.No.11/Estt/2/CC/CHN/Con/2000-01, dt.12.12.2001 of the 2nd respondent..
5. A-5 : Representation dated 20.8.2001 addressed to the 2nd respondent.
6. A-6 : Representation dated 18.12.2001 addressed to the 2nd respondent.

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