

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.283/2003

Friday this the 4th day of April, 2003.

C O R A M

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER  
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. S.Soundara Raj  
S/o late C.Shanmugham Pillai  
Senior Tax Assistant  
Office of the Commissioner of Income Tax  
Central Revenue Building  
I.S.Press Road, Kochi. Applicant

(By advocate Mr.T.C.Govinda Swamy)

Versus

1. Union of India represented by  
The Secretary to Government of India  
Ministry of Finance  
Department of Revenue  
New Delhi.
2. The Chairman  
Central Board of Direct Taxes  
Ministry of Finance, North Block  
New Delhi.
3. The Chief Commissioner of Income Tax  
Central Revenue Building  
I.S.Press Road  
Kochi. Respondents.

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 4th April 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant who was selected and appointed as a Data Entry Operator on deputation basis on 19.4.1982 under the 3rd respondent was absorbed on 25.3.92 (A3). He was given the seniority in the Income Tax Department under the 3rd respondent with effect from the date of his absorption. In view of the Hon'ble Supreme Court's judgement in S.I.Rooplal and others Vs. Lt. Governor through Chief Secretary, Delhi (JT 1999 (9) SC 597), the Government of India issued an O.M. dated 27.3.2001 (Annexure A7) whereby for the purpose of determining the question

9.

of seniority the date from which the employee has been holding the post on deputation or the date from which he has been appointed on a regular basis to the same or equivalent grade in his parent department, whichever is later, should be considered. In view of the said O.M., the applicant claims that he would be entitled to get his seniority fixed with effect from the date from which he was holding the equivalent post in the parent department, namely the Capital Territory of Delhi. On this basis, the applicant made A-10 representation dated 12.9.2002 setting out all the relevant facts. The said representation has not been acted upon so far.

2. When the matter came up for hearing, Sh.T.C.Govinda Swamy, the learned counsel of the applicant, submitted that the purpose of this OA would be served if the applicant's A-10 representation dated 12.9.2002 is directed to be considered by the 2nd respondent and an appropriate reply be given to the applicant within a time frame. Sh. C.Rajendran, the learned counsel who took notice for the respondents stated that the respondents would have no objection to consider the applicant's A-10 representation dated 12.9.02 and to give an appropriate reply.

3. In the light of the above statement, we dispose of this Original Application by directing the second respondent to consider the applicant's representation in the light of the rules

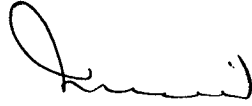
Q.

and instructions on the matter and more particularly A-7 O.M.dated 27.3.2001 and issue appropriate orders to the applicant within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Dated 4th April, 2003.



K.V.SACHIDANANDAN  
JUDICIAL MEMBER



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER

aa.