

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 220 of 2006

This, the 2nd day of December, 2013.

HON'BLE MR. NAVNEET KUMAR MEMBER (J)
HON'BLE MS. JAYATI CHANDRA, MEMBER (A)

Sanjay Srivastava, aged about 47 years, son of Shri Surendra Nath, Posted as Income Tax Inspector, Office of the Commissioner of Income Tax, Gorakhpur, and resident of 33, Sukhdeo Niwas, Golghar, Gorakhpur.

By Advocate Sri S. P. Singh.

Applicant

Versus

1. Union of India through the Secretary, Ministry of Finance, Government of India, North Block, New Delhi.
2. Chief Commissioner of Income Tax, Ashok Marg, Lucknow.
3. Commissioner of Income Tax, Gorakhpur.
4. Shri Rakesh Mohan Srivastava, Income Tax Inspector, C/o Commissioner of Income Tax, Faizabad.
5. Shri Subair Ahmad Siddiqui, Income Tax Inspector, C/o Commissioner of Income Tax, Varanasi.
6. Shri Ram Charan Nishad, Income Tax Inspector, C/o Commissioner of Income Tax, Varanasi.

By Advocate Sri S. K. Tiwari.

Respondents

ORDER(ORAL)

By Hon'ble Mr. Navneet Kumar, Member (J)

The present O.A. is preferred by the applicant under Section 19 of the AT Act, 1985 with a prayer to quash the impugned rejection letter dated 25.1.2006 whereby, the respondents considered the case of the applicant and subsequently the respondents have conducted a review DPC in the month of November and December, 2009 and after reviewing certain discrepancies in the seniority list of Income Tax Inspectors, the respondents have issued a fresh seniority list and assigned seniority to the officials in the various cadres. It is also pointed out by the learned counsel for the applicant that as per the revised seniority list, the applicant has been promoted as Income Tax Officer on 15.1.2010, but the applicant being not satisfied with the said seniority list has again preferred a representation on 10.3.2010 indicating therein that three persons namely Smt. Kulwant Kaur, Zubair Ahmad Siddiqui and Ram Charan Nishad who are junior to the applicant are shown senior than the applicant. The said representation is said to have been still pending with the respondents.

2. Sri S. K. Tiwari learned counsel appearing on behalf of the respondents submits that these three persons who have been mentioned at serial No. 12, 13 and 14 by the applicant in his representation belongs to a different cadre and

they did not belong to the Stenographer cadre as they cannot be placed below the applicant.

3. Since the controversy is still pending with the respondents and the applicant has already submitted a representation to the authorities for deciding the matter afresh, let the respondents take a decision on the representation of the applicant in accordance with law within a period of three months from the date of certified copy of this order. It is made clear that we have not expressed any opinion on merits of the case. The decision so taken be communicated to the applicant.

4. With the above observation, the O.A. stands disposed of. No order as to costs.

J. Chandra

**(Ms. Jayati Chandra)
Member (A)**

Navneet Kumar
**(Navneet Kumar)
Member (J)**

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