

## CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

## LUCKNOW CIRCUIT BENCH

Registration O.A. No. 92 of 1991

R.D.Shukla ..... Applicant

Versus

Chief Commissioner of Income Tax  
Ashok Marg, Lucknow and  
Union of India. .... Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorathi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, VC)

The applicant has joined the Income Tax Department as direct recruit UDC in the year 1969 and was promoted as Tax Assistant w.e.f. 31.5.78. The applicant has prayed that a writ of mandamus be issued to the Chief Commissioner of Income Tax in the case of the applicant and without giving further opportunity for filing Counter Affidavit. He has also prayed to promote him as Supervisor and Incometax Inspector had he been promoted as H.C. treating Tax Assistants senior to U.D.C.

2. The applicant has placed reliance in the case of S.M.R. Kazmi and Others Vs. Union of India & Others (O.A. No. 348 of 1990) decided by this Bench on 9.5.91. The Bench observed as follows:

" We direct that the respondents shall give promotion to the applicants in accordance with rules alongwith as per the order of the Tribunal dated 26.8.88 referred to above notwithstanding the fact there was any failure on their part to formulate the scheme. In case the applicants are found entitled, their appointment will take effect from that date

and not from the date they were subsequently promoted. Let compliance of this order be made within a period of two months and one week from today. As this order has been passed in the presence of the counsel and officials of the Income Tax Department, it is not necessary to say that the order is to be implemented from the date of receipt of copy of the same."

3. The case of the applicant and that of S.M.R.Kazmi and others is somewhat similar and accordingly this application is also allowed in the above very terms.

*Anwar S*  
Member (A)

*U*  
Vice Chairman

Dated the 3.7 July, 1991.

RKM