

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 203/87.

Shri Sunil Kumar Shrivastava, L.D.C. in
Income Tax Office,
Companies Circle-II,
Room No. 525-B,
Aayakar Bhavan,
M.K. Marg, Churchgate,
Bombay - 400 020.

... Applicant.

v/s

- 1) The Under Secretary,
Government of India,
Central Board of Direct Taxes,
Ad. VII, New Delhi.
- 2) The Chief Commission of
Income Tax(Admn),
Bombay City-I,
Bombay.
- 3) The Inspecting Assistant Commissioner
of Income Tax(Admn.-I),
Bombay.
- 4) The Officer on Special Duty-II,
Office of the Inspecting Assistant
Commissioner of Income Tax(Admn.-I),
Bombay.

... Respondents.

Coram: Hon'ble Vice-Chairman, B.C. Gadgil.

Hon'ble Member(A), J.G. Rajadhyaksha.

Appearance:

Applicant in person.

ORAL JUDGMENT:

(Per B.C. Gadgil, Vice-Chairman) Date: 24.4.1987.

The applicant who is working in the Income Tax Department has a grievance about his nonconsideration for the post of U.D.C.

2. The application was fixed for admission to-day. We have heard the applicant and in our opinion

the application deserves to be summarily rejected for the following reasons:

Service

3. The applicant joined ~~as~~ Lower Division Clerk service in Income Tax Department at Hyderabad on 27.8.1979 and opted for an inter-charge transfer from Hyderabad to Bombay, in 1982. Exhibit 'A' to the application is a proforma and the undertaking given by the applicant in that respect. He has stated therein that he is prepared to forego his seniority. The Department on 22/26 July, 1982 passed an order about the applicant's transfer to Bombay. While doing ~~so~~ ^{it} is specifically stated that the seniority of the applicant in Bombay be taken from the date he joins duty at Bombay. The applicant joined his duties in Bombay on 8.11.1982. The applicant's grievance is that some L.D.C.s who were working in Bombay before 8.11.1982 have been promoted as U.D.C.s and that by doing so his claim is not considered. The applicant relied on communication (Exhibit 'E' to the application) dated the 25th March, 1975 from the Central Board of Direct Taxes. It is stated therein that the service rendered in Income Tax Department before such transfer will be counted for computing the eligibility period for promotion to the grade of U.D.C. It appears that three years' service as L.D.C. is an eligibility period for promotion to the post of U.D.C. The above mentioned communication, therefore, only means that the applicant's service at Hyderabad can be counted for computing the eligibility period of three years. However, that would not be relevant in this particular case inasmuch as it appears that there are many persons at Bombay who have completed three years of service as L.D.C. and who have been serving in Bombay prior to 8.11.1982. The

applicant is unable to contend that anybody who has joined service after November 1982 has been promoted as U.D.C. Thus though the applicant is eligible for promotion to U.D.C.'s post, his turn will come for such promotion according to the seniority and it is clear that his seniority in Bombay has to be counted from 8.11.1982.

4. Under these circumstances, there is no substance in the contention of the applicant that he is entitled to be considered for promotion to the post of U.D.C. This is not possible on account of his lower seniority in the grade of L.D.C.

The application is summarily rejected.

B.C. Gadgil

(B.C. GADGIL)
Vice-Chairman.

J.G. Rajadhyaksha
J.G. RAJADHYAKSHA)
MEMBER (A).