

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY - 400 614
CAMP: NAGPUR

TRANSFERRED APPLICATION NO. 341/87

Sadashiv Pandurang Mehre
LDC, Office of the Tax recovery
Officer; AKOLA

2. K A Raut
LDC
Appellate Assistant Commissioner's
Office; AKOLA

3. Dattatraya Shankarrao Mahajan
LDC; Office of the First Income
Tax Officer; AKOLA

.. Applicants

v/s.

1. Union of India
through Secretary
Ministry of Finance
Kendriya Mantralaya
New Delhi

2. Commissioner of Income Tax
Vidarbha Region
Aayakar Bhawan
Nagpur

.. Respondents

Coram: Hon. Shri JUSTICE U C SRIVASTAVA, V.C.
Hon. Shri P S CHAUDHURI, MEMBER (A)

APPEARANCE

Shri V G Palshikar
Advocate
for the applicant

Shri K D Kelkar
Counsel
for the respondents

ORAL JUDGMENT:

DATED: 9-7-1991

(PER: U C SRIVASTAVA, V.C.)

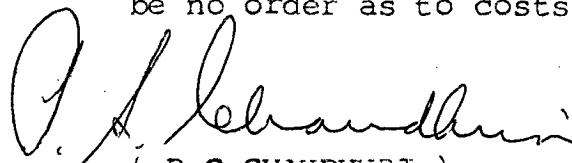
The applicants were recruited in Group-D posts in the Income Tax Offices in about the year 1968-69. After they were qualified in the SSC examination and typing test of the department they were promoted to Class-III/Group C post of LDC in the year 1982 on ad hoc basis. By ~~xx~~ an order dated 19.2.1985 they were reverted to Group D posts. They had filed a writ petition no. 389/85 in the High Court of Judicature at Bombay, Nagpur Bench challenging the order dated 19.2.85, and by virtue of the interim relief granted to them the applicants continue to

hold the office of LDC.

2. The respondents in their reply contended that the applicants were appointed purely on ad hoc basis, though they had passed the departmental examination for Group D employees for promotion to the post of LDCheld in 1983. They also contended that 10% of the quota of LDC is filled from amongst the departmental candidates who fulfil the conditions for appointment, ~~and~~ but the applicants were not promoted against 10% quota, and they were reverted to make room for others who were transferred to Nagpur from Bombay etc.

3. It is not necessary to refer to the details as the applicants were promoted to Class-C posts and their juniors have been promoted and hence the applicants cannot lag behind in preferential claim of promotion than their ~~x~~ juniors. The applicants have been working for nine years. The cases of applicants shall be considered for regularisation within a ~~x~~ period of three months and they shall not be reverted so long as the matter is not duly considered. It is also, however, pointed out that the department while considering the regularisation of the applicants due consideration for giving their seniority from the date that they were ~~x~~ due for promotion in accordance with their seniority should be given by placing their names at appropriate place in the seniority list.

4. In the circumstances there would, however, be no order as to costs.


(P S CHAUDHURI)
MEMBER (A)


(U C SRIVASTAVA)
VICE CHAIRMAN