

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(15)

O.A. NO: ---  
T.A. NO: 47/88

199

DATE OF DECISION 4-11-1991

Vijay Laxmantao Patange Petitioner

Mr. M.A. Mahalle

Advocate for the Petitioners

Versus  
Union of India & Ors.

Respondent

Mr. P.M. Pradhan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. M.Y. Priolkar, Member(A)

The Hon'ble Mr. D.K. Agrawal, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

*4/11/91*  
(M.Y. PRIOLKAR)

mbm\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(16)

Tr.47/88

Vijay Laxmanrao Patange,  
B-201, Income Tax Colony,  
Bhandup(E),  
Bombay - 400 078.

.. Applicant

vs.

1. Union of India

2. The Chief Commissioner of  
Income Tax,  
Aayakar Bhavan,  
Bombay - 400 020.

3. Rajan Joseph,  
DC Special Range  
Mahalaxmi Chambers, 1st Floor,  
Opp.Race Course Gate No.7,  
Mahalaxmi,  
Bombay.

4. Anuradha Subramaniam,  
Inspector of Income Tax,  
Room No.465,  
Aayakar Bhavan,  
M.K.Road,  
Bombay - 400 020.

.. Respondents

Coram: Hon'ble Shri M.Y.Priolkar, Member(A)

Hon'ble Shri D.K.Agrawal, Member(J)

Appearances:

1. Mr.M.A.Mahalle  
Advocate for the  
Applicant.

2. Mr.P.M.Pradhan  
Counsel for  
Respondents No.  
1 and 2.

ORAL JUDGMENT:  
(Per M.Y.Priolkar, Member(A))

Date: 4-11-1991

The applicant in this case was appointed on 13-5-1977 as direct recruit Income Tax Inspector from Ex.Servicemen quota on the results of a competitive examination and interview conducted by the Staff Selection Commission. Respondents No.3 and 4 were also direct recruit Inspectors appointed on the basis of the same examination but in the General category.

The grievance of the applicant in this case is that although he was informed in the offer of appointment made on 4-4-1977 that his rank in the merit list was No.5, in the seniority list circulated in 1979 he has been placed at Sr.No.295 much below ~~to~~ respondents No.3 and 4 whose merit order was below 5.

2. The respondents have filed their written statement stating that there was a ~~bonafide~~ error in intimating the applicant that he was ranked in order of merit at No.5 on the results of the competitive examination. According to them he was placed at No.73 in the merit list whereas Respondents No.3 and 4 were ranked 3 and 8 respectively. The respondents therefore states that the seniority list circulated in 1979 showed the applicant as well as respondents No.3 and 4 at their correct places in accordance with their ranking in the merit list prepared on the basis of the competitive examination.

3. It appears that the vacancy against which the applicant was appointed was reserved for Ex-Servicemen and this was at point no.5 as per the 100 point roster maintained by the department. There was thus a clerical error in informing the applicant in the offer of appointment that he was at merit No.5 whereas No.5 position was only in the 100 point roster which does not affect the seniority of the candidates.

4. It is not in dispute that the ~~of candidates selected on the results~~ inter se seniority ~~on the basis~~ of the same competitive examination has to be prepared on the basis of rank obtained in the said examination. 3/-

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We have perused the relevant record where the marks obtained in the written test as well as in the interview for the direct recruit Income Examination Tax Inspectors have been tabulated and we find that the applicant has been placed there at Sr. No. 73 whereas respondents No. 3 and 5 are at Sr. No. 5 and 8 respectively. The seniority list circulated in 1979 has <sup>thus</sup> been prepared correctly in accordance with the rules and the inter se seniority is according to the ranking in the merit list of the examination irrespective of the date of joining or the quota from which the candidates were recruited.

5. The only prayers made by the applicant in this application are for quashing the seniority list circulated in 1979 and for directing the respondents to fix the applicant's seniority on the basis that he has been ranked No. 5 among the successful candidates in the examination conducted in 1976. Since as stated above the ranking of No. 5 is not according to merit but it is only a position in the roster which does not affect the seniority and his actual ranking in order of merit is No. 73, we do not find any merit in this application.

6. The application is accordingly dismissed with no order as to costs.

D.K. Agrawal

(D.K.AGRAWAL)  
Member(J)

M.Y. Priolkar 4-11-81  
(M.Y.PRIOLKAR)  
Member(A)