

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

THIS IS THE 20ST DAY OF FEBRUARY, 2002.

CORAM : HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE-CHAIRMAN
HON'BLE SHRI M.P. SINGH, MEMBER(A)

ORIGINAL APPLICATION NO. 911 OF 2001.

1. Babasaheb P. Bhosale
2. Abdul Salam Dawood Shaikh
3. Prabhakar N. Nene
4. A.G. Thomas
5. D.S. Mayekar
6. T.N. Ravindran
7. Laxman M. Bhangari

...Applicants.

(All the Applicants working as Income Tax Officers under
Chief Commissioner of Income Tax Mumbai, Aayakar Bhavan
Maharshi Karve Road, Mumbai - 400 021.)

(By Advocate Mrs. Samata S. Marne)

V/s.

1. Union of India through
the Secretary in the
Ministry of Finance,
Department of Revenue,
North Block,
NEW DELHI - 110 001.
2. Chairman,
Central Board of Direct Taxes,
Department of Revenue,
Ministry of Finance,
North Block,
NEW DELHI - 110 001.
3. Chief Commissioner of Income Tax,
Aayakar Bhavan, M.K. Road,
MUMBAI - 400 021.

...Respondents.

(By Advocate Shri V.G. Rege)

O R D E R (ORAL)

(PER : SHRI M.P. SINGH, MEMBER(A))

By filing this O.A., the applicants have sought directions to
quash and set aside the revised eligibility list dated
26.11.2001.

2. The facts of the case are that all the Applicants are working
as Income Tax Officers (ITO). They were promoted to the said
post of ITO in pursuance of the Order dated 27.11.2001 issued by

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Respondent No.3. By the said Promotion Order, 168 Officials who were working as Inspectors of Income Tax have been promoted as Income Tax Officers. The names of the Applicants appear in the said Order at Sl.Nos. 168, 163, 162, 160, 159, 150 and 148. As per the Recruitment Rules for the ^{appointment &} promotion to the post of Income Tax ^{Inspector &} Officer, 2/3rd posts are filled by way of Promotion and 1/3rd by way of direct recruitment. The Applicants in this case are all promotees. Some of the direct recruits, Inspectors had made representation against the eligibility list ^{corrected by order dated 25/6/2002} which was the basis for considering and assessing the suitability of the applicants for promotion to the post of ITO by the Departmental Promotion Committee. The Respondents have now notified/ published the impugned eligibility list dated 26.11.2001 without circulating the same to the applicants. The applicants made a request to the respondents on 06.12.2001 to allow them to file their representations/ objections. There was no response from the respondents to their representations. Hence they have filed this O.A. claiming the aforesaid relief.

3. The Respondents in their reply have stated that the new eligibility list is prepared and has been circulated by them amongst the concerned inspectors for giving them an opportunity to submit their representations before the date specified therein. Therefore, it is clear that said list is not a final list but only a provisional list and before it is finalised, an opportunity is accorded to the concerned persons by publishing it to make their submissions/representations in the matter. On considering the representation received, list is going to be finalised. In the circumstances, and in the face of these facts

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it is submitted that the applicants have filed this application on the basis of apprehensions and one is not entitled to the relief on the basis of apprehensions.

4. Heard both Learned Counsels for the parties and perused the record.

5. During the course of the arguments, the learned Counsel for the respondents submitted that the new eligibility list dated 26.11.2001 has been notified and the persons who are adversely affected are given an opportunity to make their representations.

Corrected by order dated 25-6-2002.
The new ~~seniority~~ ^{eligibility &} list ~~dated~~ ^{dated} 26.11.2001 will be finalised only after the representations received from the concerned persons are considered and decided. In view of the submissions made by the learned counsel for the respondents, we are of the considered view that ends of justice will be duly met if we

direct the respondents to consider the representations submitted by the applicants ^{dated} on 21.1.2002 and 1.2.2002 and also treat this O.A. as a part of representation and take a decision thereon ^{Corrected by order dated 25-6-2002.} by passing a speaking and reasoned order within a period of three months from the date of receipt of copy of this order. We do so accordingly. We however, make it clear that in the meantime, the applicants shall not be reverted from the present post of ITO and the interim relief granted by this Tribunal on 04.01.2002 shall remain in force upto 15 days from the date of receipt of a copy of the order passed by the respondents on the representations of the applicants submitted by them against the impugned eligibility list dated 26.11.2001. The applicants are at liberty to approach this Tribunal if they still feel aggrieved and are so advised.

6. The O.A. is disposed of in the aforesaid terms. No orders as to costs.

M.P. Singh
(M.P. SINGH)
MEMBER(A)

B. Dikshit
(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

ssg./Gajan