

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO; 781/2001
DATED THE 6TH DAY OF NOV, 2001**

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

1. Shri Sanjay D Kansara
Serving as Income Tax Commissioner Off.
Nashik as D.E.O Grade-A,
R/o House No 453-A New Tambat Lane,
Ravivar Peth, Nashik
2. Shri Umakant N Nagpure
Serving at: Income Tax Commissioner OFF.
Nashik as D.E.O., Grade-A 4,
R/o Income Tax Colony Type 2-10, Cidco,
Near State Bank of India Stop,
3. Shri Bindumadhav V Mahajan,
Serving at: Income Tax Commissioner Off
Pune as D.E.O Grade-A
R/o Plot No.13, Padma Bungalow, Yogi
Society, Dhankavadi, Pune - 43.
4. Shri Gangadhar C Navale,
Serving at: Income Tax Commissioner Off.
Pune, as D.E.O. Grade-A
R/o 1676, S.No.52/2,
Parashar Society,
Chandan Nagar, Pune-14.
5. Shri Gurudas V Katdare,
Serving at: Income Tax Commissioner Off:
Pune, as D.E.O Grade A,
R/o. 10/2, Kalbhor Nagar, Chinchwad,
Pune - 15

... Applicants

By Advocate Shri A.P.Jadhav

V/s.

1. Union of India through its
Secretary,
The Secretary Department of Revenue,
North Block, New Delhi - 110 001.
2. The Chairman,
Central Board of Direct Taxes,
North Block, New Delhi-110 001.
3. The Chief Commissioner,
Income Tax (Administration),
Ayakar Bhavan, Pune.
4. The Chief Commissioner,
Income Tax, Nashik.

... Respondents

...2.



(ORAL)(ORDER)

Per Shri M.P.Singh, Member(A)

The applicants five in number by filing this OA have sought relief praying for direction to consider their representations and consider their names for promotion/absorption to the post of Tax Assistant/Sr. Tax Assistant in the cadre merged on 1/3/2000. They have also sought directions to restrain the respondents from implementing the impugned proceedings contained in letter dated 4/6/2001 and 19/7/2001. The facts of the case are that the applicants are working as Data Entry Operator and are eligible for promotion to the post of Tax Assistant/Sr.Tax Assistant. According to the applicants, the newly promoted Tax Assistant in the scale of Rs.4500-7000 ^{and &} UDCs in the scale of Rs.4000-6000 with three years experience [^] were considered for promotion to the post of Sr. Tax Assistant for the year 2000-2001 without the condition of passing the Ministerial Staff Examination whereas a D.E.O "B" in the scale of Rs.4500-7000 & having 12 years of service ^{is} not considered for the same. Similarly, the newly recruited LDCs in the scale of Rs.3050-4590, if he passes the computer skill examination, & is considered for the post of Tax Assistant in the Recruitment Year 2000-2001 whereas the Data Entry Operators Grade 'A' in the scale of Rs.4000-6000 with 12years continuous service is not considered for the same. It is not understood as to why Data Entry Operator cadre is considered for the year 2001-2002 and not for 2000-2001.

2. Aggrieved by this they have given representation to the respondents (Annexure A-9 collectively) but the respondents have not yet taken any decision on the representations.
3. Heard the learned counsel Shri A.P.Jadhav, for the applicant.



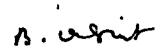
...2.

6.

4. In the circumstances we feel that the interest of justice will be met if the respondents are directed to decide the representations of the applicant (Annexure A-9) by taking a decision and passing a detailed speaking and reasoned order within a period of two months from the date of receipt of copy of this order.

5. MP-911/2001 for joint application allowed. MP-911/2001 stands disposed of.


(M.P.SINGH)
MEMBER(A)


(B.DIKSHIT)
VICE CHAIRMAN

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