

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCHAPPLICATION No. 699/87 (A)(WP. NO.)COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.DATED: 8-10-87APPLICANT

Vs

RESPONDENTSN.D. Muralidhara
TOChairman, Central Board of
Taxes, New Delhi and And.

1. Sri N.D. Muralidhara,
LDC,
Office of the Commissioner of
Income Tax (Appeals)-I,
Queens Road,
C.R. Building, Bangalore-1.
2. Sri M.R. Shylendra Kumar,
Advocate,
No. 844 (upstairs), V Block,
Rajaji Nagar,
Bangalore-560010.
3. The Chairman,
Central Board of Taxes,
Nyakar Bhavan, New Delhi.

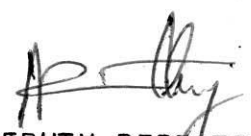
4. The Chief Commissioner (Admin)
and Commissioner of Income Tax,
Karnataka-I,
Central Revenues Building,
Queens Road,
Bangalore-1.
5. Sri M.S. Padmarajiah,
Advocate (case),
High Court Building
Bangalore-1.

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 699/87 (A)

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on24 Sep 87.

ENCL: As above.


 for DEPUTY REGISTRAR
(JUDICIAL)

RECEIVED 5 copies 8/10/87

Diary No. 1269/C2/87Issued Date: 9/10/87

CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE

DATED THIS THE 24TH DAY OF SEPTEMBER, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. L.M.A. Rego,

.. Member(A)

APPLICATION NUMBER 699 OF 1987.

N.D. Muralidhara,
S/o V.N. Doreswamy Iyengar,
Aged 33 years, Lower Division Clerk,
Office of the Commissioner of Income Tax (Appeals)-I,
C.R. Building, Bangalore.

.. Applicant.

(By Sri M.R. Shylendra Kumar, advocate)

v.

1. The Chairman,
Central Board of Taxes,
Aayakar Bhavan, New Delhi.
 2. The Chief Commissioner (Admn.)
and Commissioner of Income Tax,
Karnataka-I, Central Revenues Building,
Queen's Road, Bangalore-I.
- (By Sri M.S. Padmarajaiah, Standing Counsel).

.. Respondents.

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This application coming on for hearing this day, Vice-Chairman made the following:

ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant was initially appointed as a Draughtsman Grade-III from 4-5-1973 in the office of the Commissioner of Income Tax, Karnataka Circle, Bangalore ('Commissioner'). On a representation made by him the Central Board of Direct Taxes, New Delhi ('Board') in its letter No.F.A.12-34/3/31/Ad.VII dated 2-5-1983 conveyed its sanction to absorb the applicant as a Lower Division Clerk ('LDC') from the date of his initial appointment, the validity of which was challenged by one Sri M. Madivadan, an LDC before this Tribunal



Tribunal in A.No.444 of 1986. On 23-3-1987, this Tribunal disposed of the said application upholding the said order of the Board, however, leaving open the question of seniority between Madivadan and the applicant to be decided by the authorities in the first instance. But, for reasons that are not necessary to notice, the authorities have not so far decided the seniority of the applicant vis-a-vis Madivadan and others and as a consequence of the same, had not considered the case of the applicant for further promotion so far. Hence, this application for a direction to the respondents to consider the case of the applicant for promotion to the cadre of Upper Division Clerk ('UDC') from 5-3-1986 on which date his junior was promoted as an UDC.

3. We have heard Sri M.R.Shylendra Kumar, learned counsel for the applicant and Sri M.S.Padmarajiah, learned counsel for the respondents.

4. In Application No.444 of 1986, this Tribunal left open the seniority of the applicant vis-a-vis Madivadan and others to be examined and decided by the authorities.

5. On the decision of the Board allowing the absorption of the applicant as an LDC and the order of this Tribunal, the Commissioner was bound to determine the seniority of the applicant vis-a-vis Madivadan and others with expedition. Unfortunately, the Commissioner had not considered the case of the applicant for promotion as an UDC on the ground that his seniority itself had not been settled. We need hardly say that the same cannot be kept pending or postponed indefinitely. In these circumstances, we consider it proper to direct the Commissioner to decide them with expedition. We therefore, direct the Commissioner - respondent-2 to determine the seniority of the applicant vis-a-vis Madivadan and others and his case for promotion as an UDC with all such expedition as is possible in the circumstances of the case and in any event within a period of four months from the date of receipt of this order.



6. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-
VICE-CHAIRMAN
24/9/87

Sd/-
MEMBER(A)
24/9/87



np/

-True copy-

[Signature] 8/10/87
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE