

(48)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.NO.866/92

Date of decision: 28.7.993

Between

K.C.Das

: Applicant

and

1. Union of India, rep. by its  
Secretary, Min. of Personnel,  
Public Grievances & Pensions,  
Dept. of Personnel & Training,  
New Delhi.
2. Secretary,  
Central Board of Direct Taxes,  
New Delhi.
3. Chief Commissioner of Income-tax,  
Andhra Pradesh, Hyderabad.

: Respondents

Appearance:

For the applicant : Shri G.V.R.S.Varaprasad, Advocate

For the respondents : Shri N.R.Devaraj, Sr. AGSC

CORAM:

The Hon'ble Shri Justice V.Neeladri Rao, Vice-Chairman

The Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

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J U D G E M E N T

(of the Bench delivered by Hon'ble Sri Justice V. Neeladri Rao, Vice-Chairman).

...

The applicant was selected as Income-tax Inspector in the direct recruitment quota in the examination conducted by the Staff Selection Commission and he was appointed as such in the Andhra Pradesh charge. He joined the post of Income-tax Inspector on 3-6-85. By proceedings dt. 14-1-88 he was informed that he satisfactorily completed his probation period with effect from 3-6-87. He passed in the departmental examination for Income-tax Inspectors held in 1990 and he was confirmed in the grade of Income-tax Inspector with effect from 11-6-91 by proceedings dated 13-6-91. When he was shown lower down in the seniority list published as on 1-9-90 he made representation dated 20-9-91 requesting for restoration of his seniority as per the seniority list dated 1-9-88. By memo. dated 1-1-92 the applicant was informed that as per the existing instructions he was shown below the names of confirmed income-tax Inspectors as per seniority list published as on 1-9-90.

2. This O.A. is filed praying for a declaration that the proviso to para 4 of the Annexure to the O.M. No.9/11/56-RPS dated 22-12-59 linking seniority with confirmation as arbitrary and illegal and to quash the same and for a direction to the respondents to refix his seniority in the cadre of Income-tax Inspector without reference to the date of confirmation.

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3. This point is squarely covered by our orders in O.A. 381/92. For the reasons stated therein the seniority list of Income-tax Inspectors, as on 1-9-90 has to be ~~prepared as~~ revised in accordance with the provisions in the Annexure to the O.M.No.9/11/56/RPS dated 22-12-59 of the Ministry of Home Affairs ignoring the provisions to paras 4 and 5(i) therein. The O.A. is ordered accordingly. No costs.

P. J. Thiruvengadam  
(P.T.Thiruvengadam)  
Member (Admn.)

V. Neeladri Rao  
(V.Neeladri Rao)  
Vice-Chairman

Dated: the 28 th day of July, 1993.

mhb/

52/8/93  
Dy. Registrar (Judl.)

Copy to:-

1. Secretary, Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training, New Delhi.
2. Secretary, Central Board of Direct Taxes, New Delhi.  
North Block  
Aykav Bhavan; Baskerbagh,
3. Chief Commissioner of Income-Tax, A.P. Hyderabad.
4. One copy to G.V.R.S. Varaprasad, advocate, CAT, Hyd.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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O.A. 866/93

TYPED BY

COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. EIRUVENGADAM : M (A)

Dated: 28/7/1993

ORDER/JUDGMENT: 2

M.A/R.A/C.A.No.

O.A.No.

T.A.No.

Admitted and  
issued.

Allowed

Disposed

Dismissed

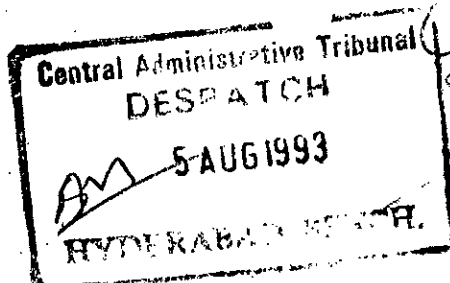
Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

pvm



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