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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.382/92

Date of decision: 28.7.93

Between

G.V.Satyanarayana Murthy

: APPLICANT

A N D

1. Union of India, rep. by
its Secretary, Ministry of
Personnel, Public Grievances
and Pensions, Deptt. of Personnel
and Training, New Delhi.

2. Secretary,
Central Board of Direct Taxes,
New Delhi.

3. Chief Commissioner of Income-tax
Andhra Pradesh, Ayakar Bhawan,
Basheerbagh, Hyderabad.

: RESPONDENTS

APPEARANCE:

For the applicant : Sri G.V.R.S.Vara Prasad, Advocate

For the respondents : Sri N.R.Devaraj, Sr.CGSC

CORAM:

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

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

contd...2.

[Signature]

JUDGEMENT

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

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The applicant was selected and appointed as Inspector of Income-Tax in the direct recruitment quota in Andhra Pradesh and he joined service on 15-2-1980. By memo. dated 6-9-82, the applicant was informed that he satisfactorily completed the period of probation in the cadre of Income-tax Inspector with effect from 14-8-82. When his name was shown lower down in the seniority list published as on 1-9-88 he made a representation dated 30-10-91 requesting for restoration of his seniority as per the lists published as on 1-9-80 and 1-9-84 and then he was informed by memo. dated 19-12-91 that as per existing instructions his seniority in the cadre of Income-tax Inspector was fixed below the names of confirmed income-tax inspectors as he is not yet confirmed.

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~~ with reference to the date of confirmation.

2nd Q contd...3.

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 1-9-88 has to be ~~prepared as~~ revised in accordance with the provisions in the Annexure to the OM No.9/11/56-RPS dated 22-12-59 of the Ministry of Home Affairs ignoring the provisos to paras 4 and 5(i) therein. The O.A. is ordered accordingly. No costs.

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

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

Dated: the 28th day of July, 1993.

mhb/

5/8/93
Dy. Registrar (Judl.)

Copy to:-

1. Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Union of India, New Delhi.
2. Secretary, Central Board of Direct Taxes, New Delhi.
3. Chief Commissioner of Income-Tax, A.P., Ayakar Bhavan, Basheerbagh, Hyd.
4. One copy to Sri. G.V.R.S.Vara Prasad, 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.

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O.A. 382/92

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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.TIRUVENGADAM:M(A)

Dated: 28/7/1993

ORDER/JUDGMENT: —

M.A/R.A/C.A.N.S.

O.A.No.

in
382/92

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

