

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.3/93

:DATE of order: 28-7-

Between

S.A.Fazululla

: Applicant

a n d

1. The 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.V.Ramana, Addl.CGSC

CORAM:

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

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

STL
X

JUDGEMENT

(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 in the year 1984, and he was appointed as such in the A.P. Charge and he joined on 12-3-87. By memo. dated 10-7-89 he was informed that he satisfactorily completed the period of probation with effect from 11-6-91 as per proceedings dt.13-6-91. When his name was shown lower down in the seniority list published as on 1-9-90 he submitted representation dated 1-11-91 for restoration of his seniority as per the seniority list as on 1-9-88. He was informed by memo. dated 1-1-92 that as per the instructions his name was shown below the names of ~~the confirmed income-tax inspectors. as he is not~~

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.

contd...3.

22/10/93

JUDGEMENT

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

Inspector in the direct recruitment quota in the examination conducted by the Staff Selection Commission in the year 1984, and he was appointed as such in the A.P. Charge and he joined on 12-3-87. By

memo. dated 10-7-89 he was informed that he satisfactorily completed the period of probation with effect from 11-6-91 as per proceedings dt. 13-6-91.

When his name was shown lower down in the seniority list published as on 1-9-90 he submitted representation dated 1-11-91 for restoration of his seniority as per the seniority list as on 1-9-88. He was informed by memo. dated 1-1-92 that as per the instructions his name was shown below the names of
.....
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 reference to the date of confirmation.

contd...3.

20/10/93

(Signature)
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3. This point is squarely covered by our order 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 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/

8/7/93
Deputy Registrar (Judi.)

Copy to:-

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

Rsm/-

*Boozing
P.T. 2/8/93*