

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

43

O.A.244/96.

Dt. of Decision : 20-8-98.

1. V.V.R.Sarma
2. K.V.S.Ramesh Kumar
3. N.Srinivas
4. T.S.Janakiram

... Applicants.

Vs

1. The Secretary,
Central Board of Direct Taxes,
North Block, New Delhi.
2. The Chief Commissioner of Income Tax,
A.P. Hyderabad, 8th Floor,
Aaykar Bhavan, Basheerbagh, Hyderabad. ... Respondents.

Counsel for the applicants : Mr.G.V.R.S.Vara Prasad

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr.G.V.R.S.Vara Prasad, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. There are 4 applicants in this OA. They were all promoted as Tax Assistants on the basis of the notice issued bearing No.468/Estt/DPC/95-96 dated 12-1-96 (Annexure-II). The applicants submit that the impugned order dated 12-1-96 had enabled those who had not qualified in 4 papers to be promoted and thereby even though they were promoted in March, 1997 their seniority has been lowered. The impugned order dated 12-1-96 had already been ^sreversed by the department themselves but the department has not taken any action to correct the promotion list as per the earlier recruitment rules.

3. This OA is filed praying for a declaration that the action of the respondents in considering UDCs who had secured 40% marks (35% in case of SC/ST candidates) separately in any two of the papers I.T.Law-I, I.T.Law-II, other direct taxes and Office Procedure in the Income Tax Inspectors Departmental Examinations for promotion as Tax Assistants is highly illegal, arbitrary and contrary to the Recruitment Rules and direct the respondents to effect promotions to the grade of Tax Assistants strictly in accordance with the Income Tax Department Group-C Recruitment Rules, 1990.

4. The prayer in this OA is similar to the prayer and contentions raised in OA.115/96 disposed of on 25-06-98.

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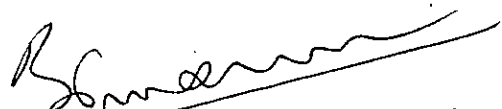
5. It is stated that following the impugned order dt. 12-1-96 some were promoted as Tax Assistants in 1996 also. Hence, if any order for lowering of seniority has to be passed it will include those promoted in the year 1996 also. Hence, we asked the learned counsel for the applicants to implead ~~affected~~ ^{those} parties who will be affected in the earlier panel. However, the learned counsel for the applicant submitted that it is difficult to identify those employees and implead them and hence he requested that an order similar to the one passed in OA.115/96 may be passed in this OA also subject to the condition that the applicants herein will rank seniors to those who were promoted in accordance with the impugned order dt. 12-1-96 in the panel in which the applicants were promoted in the year 1997.

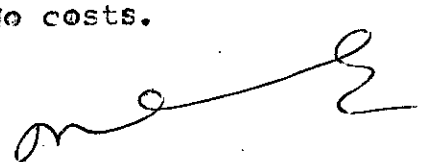
6. In view of the above the following direction is given:-

The executive order dt. 12-1-96 is set aside to the extent indicated in OA.115/96. The seniority of the applicants herein have to be fixed suitably above that of the UDCs who were promoted as Tax Assistants along with the applicants in the same panel, and having passed the Income Tax Inspectors Departmental Examination only in 2 papers. The seniority of the applicants shall be upgraded only above those who were empanelled along with them having passed Income Tax Inspectors Departmental Examination in 2 papers only.

7. In the result, the seniority of ~~the~~ UDCs promoted as Tax Assistants ^{as per memo dated 12-1-96} along with the applicants in the same panel shall be fixed as directed above, ~~as per memo dated 12-1-96~~.

8. Time for compliance is 3 months from the date of receipt of a copy of this order. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

20.8.98
Dated : The 20th August, 1998.
(Dictated in the Open Court)

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Copy to:-

1. The Secretary, Central Board of Direct Taxes, North Block, New Delhi.
2. The Chief Commissioner of Income Tax, A.P. Hyderabad, 8th Floor, Aaykar Bhavan, Basheerbagh, Hyderabad.
3. One copy to Mr. G.V.B.S. Vara Prasad, Advocate, CAT., Hyd.
4. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

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II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M(D)

DATED:

20/8/98

ORDER/JUDGMENT

~~M.A/R.A/C.P. NO.~~

in

C.A. NO.

244/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

