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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.97/97

Date of Order : 20.3.97

BETWEEN :

A.V.Lakshmi Narasimhachary

.. Applicant.

AND

1. Union of India, rep. by its
Secretary, Ministry of Finance,
Dept. of Revenue, North Block,
New Delhi.
2. Central Board of Excise and Customs,
rep. by its Chairman, North Block,
New Delhi.
3. The Director General, Dept. of Revenue
Intelligence, I.P.Estate, I.P.Bhavan,
New Delhi.
4. Director General of Anti Evasion (CE)
West Block No.6, Wing No.6, Second Floor,
Sector-I, R.K.Puram, New Delhi. .. Respondents.

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Counsel for the Applicant

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.K.Bhaskara Rao

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CORAM:

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

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

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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.P.B.Vijay Kumar, learned counsel for the applicant and Mr.K.Bhaskara Rao, learned standing counsel for the respondents.

2. The applicant herein was selected as Stenographer Gr-III by the Staff Selection Commission and was allotted to DRI. Later he was upgraded as Stenographer Gr-II during August 1995. At present he is aggrieved with regard to his promotion to the

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post of Intelligence Officer in the scale of Rs.1640-2900.

It is submitted that the post of Intelligence Officer is governed by the Directorate of Revenue Intelligence and the Directorate of Anti-Evasion (Group-C and D Posts) Recruitment Rules, 1990. The said rules came into operation by superseeding ^{the} 1974 Rules.

3. He has filed this OA to declare the Directorate of Revenue Intelligence and the Directorate of Anti-Evasion (Group C and D posts) Recruitment Rules, 1990 in so far as under inclusion of the category of Stenographer Gr-II category is concerned as a feeder category for the post of Intelligence Officer under Col.13 and also the percentages prescribed under Col.12 as arbitrary, illegal and consequential direction to inclusion of the same besides direction to alter the percentages to Col.12 to the advantage of the Stenographer Gr-II and to consider the case of the applicant for promotion.

4. This OA was admitted on 28.1.97 and 8 weeks time was given to file a reply. But the reply ^{is} ~~was~~ not filed till today though the best efforts were taken by the learned standing counsel to get the necessary reply. Further we also find that the OA may be disposed of in view of the facts in this case.

5. The learned counsel for the applicant submitted that he is challenging the recruitment rule only to the extent of non-inclusion of Stenographer Gr-II for promotion to the grade of Intelligence Officer in the scale of pay of Rs.1640-2900. He is not pressing for the relief for increasing the quota earmarked for inservice candidates and that he will get relief through departmentally. In view of the above submission the only point for consideration is ^{in regard to} ~~whether~~ the non-inclusion of the Stenographer Gr-II for promotion to the Intelligence Officer has to be examined. In this connection R-3 had already addressed R-1 for amendment of recruitment rules for Intelligence Officer.

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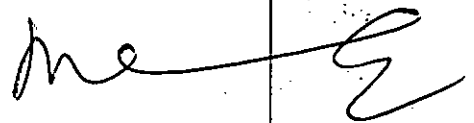
by including Stenographers, Assistants, ^{and} that it is stated that no reply has been received so far. Under the circumstances ^{in think} we thought it ~~is~~ proper to direct R-1 to dispose of that ~~reference~~ ^{reference} representation dt. 7.11.96 (A-4) and then take further action for conducting the examination for the post of Intelligence Officer. Till such time reference is not disposed of, no examination should be conducted for the said post. Liberty is given to the applicant for approaching the department. *in regard to the other prayer*

6. In the result, the following direction is given:-

R-1 is directed to dispose of the reference No. A-59011/8/96-Estt., dated 7.11.96 of R-3 expeditiously. The examination for the post of Intelligence Officer from the in-service candidates should be held only after the disposal of the reference.

7. The OA is ordered accordingly. No costs.

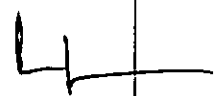

(B.S. JAI PARAMESHWAR)
Member (Judl.)
20.3.97


(R. RANGARAJAN)
Member (Admn.)

Dated: 20th March, 1997

(Dictated in Open Court)

sd


D.R. (S) 26397

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Copy to:

1. The Secretary, Min. of Finance, Dept. of Revenue,
North Block. New Delhi.
2. ~~xxxxxxx~~
The Chairman, North Block, Central Board of Excise and
Customs, New Delhi.
3. The Director General, Dept. of Revenue Intelligence,
I.P.Estate, I.P.Bhawan, New Delhi.
4. Director of Anti Evasion (CE), West Block No.6,
Wing No.6, IInd Floor, Sector-I, R.K.Puram,
New Delhi.
5. One copy to Mr.P.B.VijayaKumar, Advocate,CAT,Hyderabad.
6. One copy to Mr. K.Bhaskara Rao, Addl.CGSC,CAT,Hyderabad.
7. One copy to D.R(A), CAT,Hyderabad.
8. One duplicate copy.

YLKR

20/3/97

Urgent

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TYPED BY

CHECKED BY

COMPILED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR:
M(J)

DATED: 20/3/97

ORDER/JUDGEMENT

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

O.A.NO. 97/97ⁱⁿ

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेद्य/DESPATCH
31 MAR 1997
HYDERABAD BENCH