

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.
JABALPUR

Original Application No. 620 of 2005

Jabalpur, this the 5th day of July, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Nathe Khan, S/o. Shri Hussain Khan,
Aged about 58 years, Gestetner Operator,
Office of Income Tax Commissioner,
Range I, Jabalpur. Applicant

(By Advocate – Shri S.K. Nagpal)

V e r s u s

1. Union of India, through : the Secretary
to the Government of India,
Ministry of Finance,
New Delhi.
2. The Chief Commissioner,
Income Tax Department, Bhopal.
3. The Commissioner, Income Tax Range-I,
Jabalpur. Respondents

O R D E R (Oral)

Heard the learned counsel for the applicant.

2. By filing this Original Application the applicant has claimed the following main relief :

“i) direct the respondents to re-transfer/adjust the applicant in his original post of Staff Car Driver from the date he was declared medically fit to perform the duties of Staff Car Driver with all consequential benefits/fixation of pay at par with his juniors in the grade of Staff Car Driver,

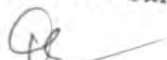
ii) direct that the arrears of pay and allowances due to the applicant consequent to (a) above be paid to him within three months with interest @ 12% per annum.



iii) that if for any reasons, the applicant cannot be re-transferred/adjusted in the post of Staff Car Driver, he should be granted 1st ACP w.e.f. 9.8.1999 and second ACP w.e.f. 25.5.2005 in accordance with Government orders dt. 9.8.1999 immediately and consequent to grant of 1st and Second financial up-gradations payment of arrears of pay and allowances due to the applicant be made to him within three months alongwith interest @ 12% per annum."

3. The brief facts of the case are that the applicant was initially appointed as Peon in the Income Tax Department on 27.2.1971. Thereafter, he was selected for appointment in the temporary post of Staff Car Driver on adhoc basis by order dated 11.5.1981 (Annexure A-1). Though the applicant's initial appointment in the grade of Driver was adhoc but same was made regular without any break. Later, due to some medical problem he was unable to perform the duty of Staff Car Driver. He requested for change of his cadre. He was adjusted by the respondents and was given alternative appointment as a Gestetner Operator with effect from 10th February, 1993 (Annexure A-2). Since then he is working in the same pay scale except in the revised scale i.e. 3050-4590/- made on the recommendation of the Vth Pay Commission. While performing the job he submitted a representation Annexure A-4 for re-transferring him to his original post of Staff Car Driver. But neither his request was accepted nor he was favoured with any reply. The officials who were junior to the applicant in the post of Staff Car Driver have been given two promotions as Staff Car Driver Grade-II and Staff Car Driver Grade-I. Regarding his grievance the applicant has filed a representation dated 12.10.2004 (Annexure A-5) which is still pending for consideration before the respondents. The learned counsel for the applicant submitted that he will be satisfied if directions are given to the respondents to consider and decide the said representation of the applicant dated 12.10.2004 (Annexure A-5) within a time frame manner.

4. Accordingly, I feel that ends of justice would be met if I direct the respondents to consider and decide the said representation of the applicant



dated 12.10.2004 (Annexure A-5), by passing a speaking, detailed and reasoned order within a period of two months from the date of receipt of a copy of this order. I do so accordingly. The learned counsel for the applicant is directed to send a copy of this order as well as the copy of the petition to the respondents immediately.

5. In view of the aforesaid, the Original Application stands disposed of at the admission stage itself.

(Madan Mohan)
Judicial Member

“SA”

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पटिलिपि अर्थात् धित :-

- (1) सचिव, उच्च न्यायालय नगर एक्सप्रेस स्टेशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के काउंसल
- (4) ग्रंथपाल, कोषा. जबलपुर न्यायापीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

S.K. Rao, D.A. 12/10/04
Re 1202
(with copy of
Petition)

Filed
am
6-7-05