

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.386/04

Guaranteed this the 8th day of December, 2004

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

A.K.Saxena
S/o Late Sri B.L.Saxena
Inspector of Income Tax
O/o Assistant Commissioner of Income Tax
Bhopal.

Applicant

(By advocate Shri S.K.Nagpal)

Versus

1. Union of India through
The Secretary
Government of India
Ministry of Finance
Department of Revenue
North Block, New Delhi.
2. The Chief Commissioner of
Income Tax (CCA), Aayakar
Bhawan, Hoshangabad Road,
Bhopal.
3. Commissioner of Income Tax
Aayakar Bhawan, Hoshangabad
Road, Bhopal.

Respondents.

(By advocate Shri B.Dasilwa)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks a direction to the respondents to correct the date of confirmation of the applicant in the cadre of UDC to 1.10.1974 as per DPC held on 29.1.75 and place the applicant below Sri K.P.Zargar and above Sri S.C. Bundel and also to grant all consequential benefits as a result of correction of the date of confirmation.

2. The brief facts of the case are that the applicant was selected for the post of LDC in the Income Tax Department by memo dated 7.4.1969. At the time of his appointment, he had submitted the attestation forms in triplicate duly completed along with medical certificate and character certificate as per instructions contained in the memo.



The applicant was selected and appointed as UDC against a direct recruitment quota vacancy and posted at Gwalior and he joined as such w.e.f. 6.10.70. The applicant was appointed in a quasi-permanent capacity as UDC w.e.f. 6.10.73. He passed the departmental examination in July 1973. A DPC for confirmation to the post of UDC was held on 29.1.75. The applicant was found fit and recommended for confirmation by the DPC. However, the confirmation order was not issued for want of police verification report. In pursuance of the recommendations of the DPC held on 29.1.75, by order dated 5.3.75, one K.P.Zargar, a colleague of the applicant was confirmed w.e.f. 23.7.74 and one A.K.Arora who was junior to the applicant was also confirmed as UDC w.e.f. 1.10.74. On the recommendations of subsequent DPC held in 1981 the applicant was confirmed in the grade of UDC w.e.f. 8.11.81 by order dated 15.1.82 (Annexure A6). The applicant passed the departmental examination for confirmation on the post of UDC in 1973 and the colleagues of the applicant who passed the departmental examination in the same batch were confirmed in the DPC held in 1975. The applicant submitted a representation on 28.11.94 (Annexure A7) but did not get any reply. The seniority in the grade of UDC is being counted by the respondents from the date of confirmation in the grade and not on the basis of the length of service in the grade of UDC and thereby the applicant has been ranked below his juniors who were recruited as UDC along with the applicant. Pursuant to the directions of the Tribunal in a similarly situated case, the respondents have corrected the date of his confirmation/promotion by order dated 20.11.96 (Annexure A8) & Annexure A9.



The applicant submitted a representation dated 18.9.02 (Annexure A12). The applicant also appeared for personal interview before CCIT on 2.12.02 but there is no positive response. Then the applicant approached the Tribunal by filing OA 789/03 which was disposed of at the admission stage by directing the respondents to consider and dispose of his representation. In pursuance of the direction, respondent No.2 disposed of the representation of the applicant by the impugned order dated 19.3.04 by which the applicant's request has been rejected. Hence this OA is filed.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the case of the applicant is squarely covered by the judgement passed in OA No.458/91 P.R.Deshpande Vs. UOI & Ors, decided on 18.12.95, and another OA No.287/03 Kalicharan Vs. UOI & ors., decided on 17.9.04 (Annexure A18). We have perused both the aforesaid judgements of the Tribunal. Hence the case of the applicant is squarely covered by the aforesaid judgements. We are of the considered view that the applicant is also entitled for the reliefs claimed and consequential benefits. Accordingly the OA is allowed. The respondents are directed to complete the exercise within a period of 3 months from the date of communication of this order. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

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Issued
On 14-12-04
BS

पृष्ठकन सं ओ/न्या.....जलपुर, दि.....
परिचालन सं.....
(1) सचिव, उच्च न्यायालय, जलपुर
(2) आदेशक श्री/श्रीमती.....काउंसल
(3) मुख्य श्री/श्रीमती.....काउंसल
(4) गीतमन, कानून.....
सूचना एवं आवरण.....
14/11/04
उप सचिव

S.K. Arora Adv.
O.D. Adv.