

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
.....

Original Application No. 734/1999

Jabalpur, this the 9th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G.Shanthappa, Member (J)

S.N.Gohia s/o late Sh. Sunderlal Gohia,
R/o 708, Durga Colony,
Sanjeevni Nagar,
Garha, Jabalpur (MP).

...Applicant

(By Advocate: Shri B.L. Nag)

-versus-

1. Union of India through
Chairman,
Board of Direct Taxes,
North Block, New Delhi.
2. The then Chief Commissioner of Income Tax,
Bhopal (MP).
3. The Commissioner of Income Tax,
Jabalpur (MP).
4. Shri I.B.Khandel
5. R.K.Baral
6. Shri A.K.Koli
7. Shri Nachhattar Singh
Respondents no. 4 to 7 Income Tax Officer
(Group B) C/o Chief Commissioner of
Income Tax, Ayakar Bhawan, Hoshangabad Road,
Bhopal (MP).
8. C.Varghese,
Income Tax Officer,
C/o Chief Commissioner of Income Tax,
Bhopal (MP).
...Respondents

(By Advocate: Shri B.da.Silva)

ORDER (ORAL)

By M.P.Singh, Vice Chairman -

By filing this O.A. the applicant has sought the
following main reliefs:

- (i) to issue an appropriate relief/writ directing the respondents to consider the name of the petitioner for promotion in the cadre of Income Tax Officer (Group B) from retrospective effect i.e. from the date of passing the departmental qualifying examination of Income Tax Officer (Group B) and to grant due seniority



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in the cadre of Income Tax Officer in view of the verdict of this Hon'ble Tribunal, passed on 5.1.1996 in a common judgment of original Application No. 44/95, after recalling the excess promotion granted to the reserved category against the general point roster which was made upto 1994 and for subsequent years. It is further prayed to quash the promotion order of the respondents nos 4 to 7 who were promoted in excess of the reserved category against general point roster and further to direct the respondents nos. 1 to 3 to convene the fresh departmental promotion committee, and to consider the name of the petitioner alongwith other eligible candidates for promotion to the cadre of Income Tax Officer (Group B) by considering their cases according to their seniority in the cadre of Income Tax Inspector and to direct the respondents to consider the name of the petitioner for promotion as Income Tax Officer (Group B) as per the Rules.

(ii) To consider the name of the petitioner for promotion as Income Tax Officer (Group-B) with retrospective effect from the date of passing the departmental qualifying examination of the Income Tax Officer (Group B) and to fix the seniority of the Income Tax Officer (Group B) above the name of juniors promoted of reserved category candidates against the general point in roster in the year 1994 and 1995 with all consequential benefits.

2. Heard the learned counsel for the applicant. He has submitted that the respondents have held DPC and considered the ineligible persons whereas eligible persons including the applicant have been ignored to the next higher promotion to the post of Income Tax Officer (Group B). Aggrieved by this, the applicant has sought a direction to hold the review DPC and consider the claim of the applicant from retrospective date i.e. from the date when his juniors have been considered and promoted as Income Tax Officer. As the applicant belongs to SC category, he has submitted that he should be considered for SC vacancy in the grade of Income Tax Officer.

3. During the pendency of the O.A., respondents have promoted the applicant by passing the order dated 8.11.2001 which has been filed by the applicant through an MA 1981/2002 ^{the same} and / has been taken on record.



4. We find that since the applicant has been promoted to the next higher grade of Income Tax Officer by the respondents vide their order dated 8.11.2001, the O.A. has become infructuous. The said order has not been challenged by the applicant.

5. For the reasons stated above, the O.A. is dismissed as infructuous. The applicant is at liberty to approach this Tribunal if he still feels aggrieved and if so advised. No costs.

G.Shanthappa
(G.Shanthappa)
Judicial Member

M.P.Singh
(M.P.Singh)
Vice Chairman

/skm/

कृष्णकला सं. लो/ज्या..... अहम्पुर, दि.....
पुलिस्टिक्स

(1) समीक्षक अधिकारी..... अहम्पुर
(2) अधिकारी..... अहम्पुर B.L. Mehta
(3) अधिकारी..... अहम्पुर B. Danlva
(4) अधिकारी..... अहम्पुर

Bapuji das
प्रधान रजिस्ट्रार 22/2/04

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