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OA No.20/2005 with MA No.191/2006.

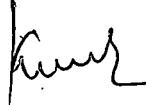
16.07.2007.

Mr. Madhukar Sharma counsel for the applicant.
Ms. Kavita Bhati proxy counsel for
Mr. Kunal Rawat counsel for the respondents.

Heard. The OA has been disposed of by a
separate order.

Ref:
Recd:


(J. P. SHUKLA)
ADMINISTRATIVE MEMBER


(KULDIP SINGH)
VICE CHAIRMAN

P.C./

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.20/2005.

Jaipur, this the 16th day of July, 2007.

CORAM : Hon'ble Mr. Kuldip Singh, Vice Chairman.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Hari Narain Meena
S/o Shri Prabhati Lal Meena,
Aged about 35 years,
R/o 147, Income Tax Colony,
Jyoti Nagar, Jaipur.

... Applicant.

By Advocate : Mr. Madhukar Sharma.

Vs.

1. Union of India through
Through the Chairman,
Central Board of Excise & Custom,
Ministry of Finance, Department of Revenue,
North Block,
New Delhi.
2. Member, Personal & Vigilance,
Central Board of Excise and Custom,
Ministry of Finance, Department of Revenue,
North Block, New Delhi.
3. Commissioner,
Central Excise Commissionerate,
Jaipur-I, New Central Revenue Building,
C-Scheme, Jaipur.

... Respondents.

By Advocate : Ms. Kavita Bhati proxy counsel for
Shri Kunal Rawat, Senior Standing Counsel.

: O R D E R (ORAL) :

The applicant has filed this OA thereby seeking for
the following reliefs :-



"I. It is, therefore, humbly prayed that the respondents be directed to

a. Allow the applicant to seek reversion to the post of Senior TA and to revert to the post of Senior TA.

And or alternatively

b. Include the post of D.O.S.L.II in the feeder cadre of the post of Inspector for the purpose of promotion/selection.

II. Any other orders, which this Hon'ble Tribunal deems just, proper and expedient in the facts and circumstances of the case may pass in favour of the applicant.

III. Cost of the OA may be awarded in favour of the applicant."

2. The facts as alleged by the applicant in brief are that the applicant was posted as Tax Assistant which is a feeder cadre for promotion to the other executive branches as an Inspector or to the clerical branch of Office Superintendent Grade-II. The applicant was given promotion to the post of Dy. Office Superintendent (L-II) vide order dated 28.09.1998. Since he was not confirmed on the said post, he opted for the channel of promotion to the post of Inspector and he wants to decline his promotion and sought reversion to the post of Tax Assistant. However, his representation for the said purpose has been turned down vide impugned order dated 5.5.2004 (Annexure A/1). Thereafter the applicant approached this Tribunal by filing the present OA. While the OA was pending the department had come up with new instructions issued vide Memo dated 26.07.2005 which stated that the earlier instructions which embargo for

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reversion from OS-II to Tax Assistant have been withdrawn. So in the light of the same, the applicant made a fresh representation to the department, which application is still pending and has yet not been decided. Probably because of the pendency of this OA the department did not consider the representation of the applicant. So we find that this OA can be disposed of at this stage with a direction to the respondents to decide the representation of the applicant dated 25.11.2005 within a period of three months from the date of receipt of a copy of this order.

3. Accordingly, the OA stands disposed of with a direction to the respondents to decide the representation of the applicant filed by him on 25.11.2005 in the light of OM dated 26.07.2005 within a specified period of three months from the date of receipt of a copy of this order. In case the applicant has any grievance against the order to be passed by the department he will be at liberty to approach the Tribunal again. No costs.


(J. P. SHUKLA)
ADMINISTRATIVE MEMBER


(KULDIP SINGH)
VICE CHAIRMAN

P.C./