

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 5th day of August, 2008

ORIGINAL APPLICATION NO.346/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

1. Pooran Lal Verma S/o Shri Bodu Ram R/o A-21, Sudama Puri, Ghat Gate, Jaipur.
2. Mukesh Chand Gupta S/o Late Shri Ram Gopal Gupta R/o 196, Shri Gopal Nagar, Jaipur.
3. Gopal Lal Bairwa S/o Shri Bhura Lal R/o 86, Poultry Farm, Agra Road, Jaipur.

[All working as Inspector, Income Tax Department, Jaipur]

... Applicants

(By Advocate : Shri Amit Mathur)

Versus

1. Union of India through Secretary to the Govt., Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Central Board of Direct Taxes through Chairman, North Block, New Delhi.
3. Chief Commissioner of Income Tax, Jaipur.
4. Assistant Director of Income Tax (Exam), North Block, New Delhi.

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicants have filed this OA with a prayer that they may be permitted to appear in the departmental examination of 2007 for promotion to the post of Income Tax Officer and the impugned order dated 30.8.2007 (Ann.A/1), whereby they been debarred to appear in the said examination, may be quashed.

2. It may be stated here that the applicants were debarred for appearing in the said examination on the ground that any candidate who has availed maximum of ten chances for the said examination, provided he is below the age of 55 years of age as on 1st April of the year of examination, is not eligible to appear in the said examination in terms of Rule-IV of the Rules for Departmental Examination for ITOs, 1998.

3. This Tribunal while issuing the notice on 25.9.2007 permitted the applicants to appear provisionally in the said examination and result thereof was ordered to be kept in sealed cover. Subsequently, the respondents were also permitted to open the sealed cover and in case the applicants had qualified the written examination, their cases were also directed to be placed before the DPC alongwith other eligible candidates. However, it was further clarified that the applicants will not be given promotion till further orders from this Tribunal.

4. The respondents have moved MA 211/2008 for early hearing of the matter, which has been disposed of today itself, whereby they have stated that result of applicant No.1 has been withheld because he was found to have indulged in unfair practice during the examination but result of other two applicants has been declared and they are unsuccessful. in

5. Thus, in view of this subsequent development, even if it is held that the applicants were eligible

to appear in the aforesaid examination, no relief can be granted to them. As such, this OA has become infructuous.

6. Even otherwise also, the respondents in their reply have stated that the applicants were not eligible to appear in the said examination in view of the Departmental Examination Rules, 1998 and validity these rules has been upheld by CAT, Jodhpur Bench, in OA 250/2007, decided on 25.9.2007. Copy of the said judgement has been placed on record as Ann.R/1. Even on this count, the applicants are not entitled to get any relief.

7. Accordingly, the OA stands dismissed with no order as to costs.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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