

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

14

ORDERS OF THE BENCH

Date of Order: 02.05.2012

OA No. 153/2011

Mr. Amit Mathur, counsel for applicant.
Mr. Gaurav Jain, counsel for respondent nos. 1 to 3 & 7.
Mr. Nand Kishore, counsel for respondent nos. 4 & 5.
None present for respondent nos. 6.

Heard learned counsels for the parties.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 2nd day of May, 2012

ORIGINAL APPLICATION No.153/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANILKUMAR, MEMBER (ADMV.)

Navindra Saini
s/o P.P.Dayal Saini,
r/o 195, Shilp Colony,
Jhotwara, Jaipur, presently
working as Inspector,
Department of Income Tax,
Jaipur

... Applicant

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India
through it's Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.
2. Chief Commissioner,
Income Tax, NCR Building,
Statue Circle,
Jaipur.
3. Chairman,
Central Board of Direct Taxes,
New Delhi.

4. Shri P.K.Kalyania, ITO
through Chief Commissioner,
Income Tax, NCR Building,
Statue circle,
Jaipur
5. Shri Roshan Lal Balai,
Income Tax Officer,
through Chief Commissioner,
Income Tax, NCR Building,
Department of Income Tax,
Statue Circle, Jaipur
6. Shri B.L.Bunkar,
Income Tax Officer,
through Chief Commissioner,
Income Tax, NCR Building,
Department of Income Tax,
Statue Circle,
Jaipur.
7. Secretary,
Department of Personnel and Training,
New Delhi.

... Respondents

(By Advocate : Shri Gaurav Jain for resp. nos. 1 to 3 & 7, Shri Nand Kishore for resp. no. 4 & 5.)

ORDER (ORAL)

The present OA is filed by the applicant praying for the following reliefs:-

- “(i) The respondents may be directed to convene the meeting of review DPC and further promote the applicant on the post of Income Tax Officer; the order annexure-A/1 may kindly be quashed and set-aside to the extent excess promotion has been given to the member of reserved category candidates. The OM annexure A/2 may also be quashed and set-aside.



- (ii) Further, no reservation in the promotion may be allowed in absence to the quantifiable data with the official respondents as per the Apex Court judgment in the case of M.Nagraj and S.B.Meena vs. State of Rajasthan and ors.
- (iii) Any other appropriate relief, which this Hon'ble Tribunal may feel in the facts and circumstances of this case, may kindly be allowed."

2. Perusal of the relief clause reveals that the main relief of the applicant in this OA is with regard to Office Memorandum dated 10.8.2010 and the applicant has prayed to quash and set-aside the same.

3. When the matter was listed on 13.3.2012, the learned counsel for the applicant has referred to the judgment dated 15.7.2011 passed by the Hon'ble Punjab and Haryana High Court in CWP No.13218 of 2009 – Lachhmi Narain Gupta and ors. vs. Jarnail Singh and ors, whereby the Punjab and Haryana High Court has quashed the OM dated 10.8.2010. In similar matter i.e. OA No.436/2011, this Bench of the Tribunal restrained the respondents not to proceed further as the OM dated 10.8.2010 has already been quashed and set aside by the Punjab and Haryana High Court vide order dated 15.7.2011.

4. Since this Tribunal has already decided the same controversy involving similar question of law and facts in OA No.63/2011,




G.P.Sharma and ors. vs. Union of India and ors. vide a detailed order dated 2.5.2012, therefore, after having considered the legal as well as factual aspects which have been raised in this OA including the Judgments of the Hon'ble Supreme Court in the case of M.Nagaraj vs Union of India, [2006) 8 SCC 212 and Surajbhan Meena vs. State of Rajasthan [(2011) 1 SCC 467], we are of the view that the order passed in OA No.63/2011 shall also be treated as part of the order in the present OA and shall be followed in all respect.

5. The OA stands disposed of in the above terms with no order as to costs.



(ANIL KUMAR)
Admv. Member



(JUSTICE K.S.RATHORE)
Judl. Member

R/