

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2089/2015

This the 15th day of September, 2016

**Hon'ble Shri P K Basu, Member(A)
Hon'ble Dr. Brahm Avtar Agarwal, Member(J)**

Hemendra Singhal
S/o Shi Jai Prakash Agarwal
R/o 1060, Vaishnopalram Colony
Behind MP Roadways Depot
BKD Crossing, Gwalior Road
Jhansi-284001(Aged about 29 years)
(VH Candidates towards CGLE-2013)

....Applicant

(Through Advocate: Shri Ajesh Luthra)

Versus

1. Staff Selection Commission
Through its Chairman
Northern Region
Block No.12, CGO Complex
Lodhi Road, New Delhi-110003.

2. Union of India
Through its Secretary
Ministry of Finance, South Block
New Delhi.

3. Central Board of Direct Taxes
Through its Chairman
Department of Revenue
Ministry of Finance, North Block
New Delhi – 110001.Respondents

(Through Advocate: Ms. Sushma for Shri Hanu Bhaskar)

Order (oral)

Shri P K Basu, Member(A)

Heard the parties.

2. The simple issue involved in this case is that in the original Advertisement for the post of Inspector of Income Tax, Visually Handicapped(VH) was not shown as a category eligible for the post. The applicant's case is that, therefore, he had not applied for the post. However, when the results were declared, it was seen that 11 candidates were selected as Income Tax Inspector who were visually handicapped and cut off marks for such appointment under VH category was 372. The applicant obtained 380.5.

3. From the reply filed by the Staff Selection Commission(SSC), it is seen that initially the post of Inspector Income Tax did not include eligibility for VH candidates. However, later on, the Central Board for Direct Taxes (CBDT) reported 11 vacancies for VH candidates and SCC selected the top 11 candidates who had given option for that category.

4. Heard the learned counsel for both sides. Since the original Advertisement did not mention VH category as an eligibility for the post of Income Tax Inspector, the applicant did not apply. Abruptly, CBDT, later on, requested the SCC for 11 vacancies to be filled up from VH candidates and the SCC selected 11 candidates on merit under VH category and intimated this to CBDT.

5. Clearly, this is a mess up created by the CBDT and SSC. In any case, when CBDT had decided to allocate 11 vacancies for VH candidates, then all such candidates should have been given equal opportunity. Some VH candidates might have erroneously filled up the form meant for Inspector of Income Tax, even though this was not an

eligibility category. But CBDT SSC did not provide this opportunity to other similarly placed candidates.

6. It is now stated by the SSC that there are 16 more VH candidates(17 including the applicant) who have more marks than the last selected VH candidate (i.e. 373), but they were not considered for the post in question, as they had not given option for the post.

7. Be that as it may, since the applicant is before us and clearly it is not his fault, but the fault of CBDT and SSC, we see no reason why having obtained 380.5 marks, which is much above the cut off of 372 marks, the applicant should not be denied appointment on this ground. We had directed the respondents to keep one post vacant vide our interim order dated 23.06.2015. Therefore, the respondents are directed to appoint the applicant to the post of Inspector of Income Tax under the VH category, within a period of three months from the date of receipt of a certified copy of this order. His pay and seniority will be fixed notionally from the date of his immediate junior with pay and allowances payable from the date he actually joins the post.

8. With the above directions, the OA stands disposed of. No costs.

(Dr. Brahm Avtar Agarwal)
Member(J)

(P.K. Basu)
Member (A)

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