

**Central Administrative Tribunal  
Principal Bench**

**OA No.3760/2018**

New Delhi, this the 5<sup>th</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Bikram Dutt, Assistant Registrar  
Group 'A', Aged about 52 years  
S/o Late Sh. A.C. Dutt  
R/o 139, GK-I, Indirapuram  
Ghaziabad-201014.
2. J.K. Lodha, Assistant Registrar  
Group 'A', Aged about 59 years  
S/o Sh. M.C. Lodha  
R/o A-7, Hyderabad Estate, N.S. Road  
Mumbai – 400037.
3. V.K. Singhal, Assistant Registrar  
Group 'A', Aged about 50 years  
S/o Sh. G.P. Singhal  
R/o 674, Ward No.1, Near Masjid  
Ballabgarh, Distt. Faridabad-121004. ..Applicants

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Union of India through its Secretary  
M/o Law & Justice  
Department of Legal Affairs  
Shastri Bhawan, 4<sup>th</sup> Floor  
Dr. Rajendra Prasad Road  
New Delhi.

2. The President, ITAT, Pratishtha Bhawan  
(Old CGO Building)  
4<sup>th</sup> floor, 101, Maharshi Karve Marg  
Mumbai – 400 020.
3. The Secretary, Department of Expenditure  
Ministry of Finance  
North Block, New Delhi. ..Respondents

(By Advocate: Shri Gyanendra Singh)

### **ORDER (ORAL)**

#### **Justice L. Narasimha Reddy:-**

The applicants are working as Assistant Registrars in the Income Tax Appellate Tribunal (ITAT), New Delhi. Their contention is that though as many as six posts of Deputy Registrar exist in the Tribunal, their cases have not been considered.

2. It is stated that the proposal for filling up the posts has been forwarded by the ITAT to the Ministry but further action has not been taken. The applicants contend that they came to know about the letters dated 23.08.2018 and 30.08.2018 issued by the Ministry of Finance to the effect that the 6 posts of Deputy Registrar which were existing in the Tribunal had lapsed and the fresh proposal need to be submitted for revival thereof. The applicants contend that the so called lapse was only on account of

the delay in processing the cases for promotion and the posts can be deemed to be in existence.

3. We heard Shri M.K. Bhardwaj, learned counsel for the applicant and Shri Gyanendra Singh, learned counsel for the respondents at length, at the stage of admission itself.

4. The applicants no doubt acquired eligibility to be promoted. However, in the context of availability of vacancies, there is serious uncertainty. A perusal of the impugned order dated 30.08.2018 discloses that the six posts which were in existence in the Tribunal lapsed on account of the fact that they were not filled within the stipulated time. Once the vacancies lapsed, they cannot be filled. The letters referred to above, indicate that the fresh proposal can be submitted for revival of the posts.

5. The applicants have filed a copy of the proceedings dated 28.06.2016 through which the ITAT had submitted proposal for revival of the vacancies and filling of the same.

6. Therefore, the OA is disposed of directing the respondents to examine the proposal for revival of the posts of Deputy Registrar and take a decision within a

period of three months and if the applicants are found to be eligible for promotion, their cases shall be considered against such vacancies.

7. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member(A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/vb/

