

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00156/2017

Original Application No. 180/00608/2017

Thursday, this the 5th day of April, 2018

CORAM:

Hon'ble Dr. K.B. Suresh, Judicial Member

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

1. Original Application No. 180/00156/2017 -

Arathi Sarah Sunil, D/o. Dr. Sunil K. Mathai,
Kunjan Bawa Road, Chettichira, Vyttila PO,
Cochin – 682 019.

..... **Applicant**

(By Advocate : Mr. Saji Isaac K.J.)

V e r s u s

1. Deputy Commissioner of Income Tax (Hq) Admn.)
Office of the Principal Chief Commissioner of Income Tax, Kerala,
C.R. Building, I.S. Press Road, Kochi – 682 018.
2. Sajjan Prakash, Welfare Inspector, South Western Railway,
Bangalore – 560 023.
3. Thulasi P.C., Tarana, VNRA 24, Vikas Nagar, Ponooth South Road,
Kadavanthara, Cochin 682 020.
4. Allwyn Francis, Kunnumpurath House, Kandanadu, Kollampilly,
Kottayam – 686 606.
5. Liksy Joseph, Kadukummackal House, Kabinigiri PO,
Pulppally (via), Wayanad – 673 579.
6. The Principal Commissioner, Office of the Principal Chief
Commissioner of Income Tax, Kerala, C.R. Building,
I.S. Press Road, Kochi – 682 018.

..... **Respondents**

[By Advocates : Mr. N. Anilkumar, Sr. PCGC ® (R1 & 6)
Mr. R. Sreeraj (R3&4)]

2. **Original Application No. 180/00608/2017 -**

Alwin Francis, S/o. T.M. Francis, aged 30 years, residing at
Kunnumpurathu House, Kandanadu, Kollampilly,
Kottayam.

..... **Applicant**

(By Advocate : Mr. R. Sreeraj)

V e r s u s

1. The Principal Commissioner of Income Tax, Kerala,
Central Revenue Building, IS Press Road, Kochi – 18.
2. The Deputy Commissioner of Income Tax (HQ)(Admn),
O/o. The Principal Commissioner of Income Tax, Kerala,
Central Revenue Building, IS Press Road, Kochi – 18.
3. Arathi Sarah sunil, aged 22 years, D/o. Dr. Sunil K. Mathai,
Kunjan Bawa Road, Chettichira, Vyttila PO,
Cochin - 682 019.

..... **Respondents**

**[By Advocates : Mr. N. Anilkumar, Sr. PCGC ® (R1 & 2)
Mr. Saji Issac (R3)]**

These applications having been heard on 05.04.2018, the Tribunal on
the same day delivered the following:

O R D E R (Oral)

Hon'ble Dr. K.B. Suresh, Judicial Member –

Heard the learned counsel appearing for the parties.

2. It appears that along the line of consideration the others who were in
the fray had withdrawn or had obtained other employment and therefore in
the case of Arathi Sarah Sunil we hold that she is eligible for employment
and in the case of Alwin Francis we hold that the Department have the right
to examine the deficiency of not having produced an NOC and if they
wanted to make any relaxation regarding it, even if he produces
subsequently that also will be considered. Therefore, there will be an order

to the respondents to give immediate employment/appointment to these two applicants.

3. The Original Applications are disposed of in the above terms. No order as to costs.

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(DR. K.B. SURESH)
JUDICIAL MEMBER

“SA”

Original Application No. 180/00156/2017

APPLICANT'S ANNEXURES

Annexure A1 – True copy of the notification issued by the 1st respondent.

Annexure A2 – True copy of the reply sent by the 1st respondent.

RESPONDENTS' ANNEXURES

Annexure R1(a)– True copy of the comparative statement of the last three years achievement of all the four applicants.

Annexure R1 – True copy of the comparative chart prepared by the respondents (relevant pages)

Annexure R2 – True copy of the office order dated 8.9.2016.

Annexure R3 – True copy of the OM dated 3.10.2013 issued by the DOP&T.

Annexure R4 – True copy of the Score Sheets of the matches.

Annexure R5 – True copy of the DoP&T OM No. 22011/6/2013-Estt(D) dated 28.5.2014.

Annexure R6 – True copy of the letter F. No. Addl. CIT(IT)/Kochi/2016-17 dated 19.5.2017.

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APPLICANT'S ANNEXURES

Annexure A1 – True copy of the Office Memorandum F. No. 13/Estt.1/Sq/CC-CHN/2017-18 dated 25.5.2017 issued by the 2nd respondent.

Annexure A2 – True copy of the notification (Recruitment of Meritorious Sports Person in Income Tax Department - Kerala) Sports Quota Recruitment – 2016-17.

Annexure A3 – True copy of the letter F. No. 13/Estt.1/SQ/CC-CHN/2017-18 dated 4.5.2017 issued by the 2nd respondent.

Annexure A4 – True copy of the proceedings No. Esst/1(9/2016/RO TVM dated 3.1.2017 issued on behalf of the General Manager (Kerala), FCI.

- Annexure A5** – True copy of the Medical Certificate dated 16.5.2016 issued on behalf of Dr. Dinshaw Pardiwala, Director Arthroscopy, Sports Orthopedics & Shoulder Service, Kokilaben Dhirubhai Ambani Hospital & Medical Research Institute, Mumbai.
- Annexure A6** – True copy of the letter NO. Estt.25(19)/2009/Vol.II dated 8.8.2016 sent by the Area Manager, FCI, District Office, Kochi to the Secretary, RSPC, FCI, Regional Office, Trivandrum.
- Annexure A7** – True copy of the letter No. Estt.25(19)/2009/Vol.II dated 24.9.2016 sent by the Area Manager, FCI, District Office, Kochi to the Secretary, RSPC, FCI, Regional Office, Trivandrum.
- Annexure A8** – True copy of the representation dated 6.6.2017 submitted by the applicant to the 1st respondent.
- Annexure A9** – True copy of the letter F. No. 13/Estt.1/SQ/CC-CHN/2017-18 dated 12.6.2017 issued by the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-X-X-X-