

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**M.A.No.060/01610/2018 &
O.A.NO.060/01265/2018 Date of order:- 16.10.2018**

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs.Ajanta Dayalan, Member (A).

1. Vijendra Kumar Meena son of Sh. Johari Lal Meena, working as Inspector Income tax, Office of Income Tax Officer , Ward-4, Panchkula, r/o # 305, Type III, Income Tax Society, Sector 20, Panchkula-134 116.
2. Amar Lal Meena son of Sh. Ram Niwas Meena, working as Inspector Income tax, Office of Income tax Office (Exemption), Ward Jammu, r/o village Fazilabbad, Post Mandavara, Tehsil Hindaun City, District Karauli, Rajasthan-322 230.
3. Rakesh Kumar Meenaa, son of Sh. Ram Niwas Meena, working as Inspector Income tax, Office of Deputy Commissioner of Income tax, Circle I, Gurgaon, r/o # RZF-766/30, Gali NO.7, Raj Nagar-2, New Delhi-11 0077.
4. Akash Kumar Meena son of Sh. Harbhajan Lal Meena, working as Inspector Income tax, Office of Assistant Director of Income Tax (Investigation) Unit-II, Faridababd, r/o # 584, 2nd floor, Sector 21-B, Faridabad-121 001.
5. Suraj Kumar Bagri, son of Sh. Prahlad Naraayan Meena, working as Inspector Income tax, Office of Income Tax Officer, Ward-3, Rewari, r/o Shri Rampuri Colony, Gupteshwar Road, Dausa, Rajasthan-300303.
6. Lachhman Ram Meena son of Sh. Kalyan Sahai Meena, working as Inspector Income tax, Office of Income Tax Officer, Ward 3(1) Srinagar, r/o village GHunawat Ka Bass, Post Karota, Tehsil Rajgarh, District Alwar, Rajasthan 301 4408.
7. Khushi Ram Meena son of Sh. Ram Swaroop Meena, working as Inspector Income Tax, Office of Additional Commissioner of Income taxes (TDS) Gurgaon, r/o flat NO.145, Daayanand Complex, Gurgaon 122 001.

8. Ram Singh Meena son of Sh. Shri Ram Meena working as Inspector Income tax, Office of Deputy Commissioner of Income Tax, Circle (International Tax), Gurgaon, r/o # 370, SGM Nagar, NIT, Faridabad-121 002.
9. Latuur Ram Meena son of late Sh. Jagna Ram Meena, working as Inspector Income tax, Office of Assistant Director of Income Tax(Investigation) Unit-I, Faridabad, r/o # 748, Type II, NH-4 NIT, Faridabad121 001.
10. Kailash Chand Meena son of Sh. Shimbu Dayal Meena, working as Inspector Income tax, Office of Joint Director of Income tax(Invwestigation), Gurugram, r/o Life 606, The Seven Lamps, Vatika India Next, Sector 82, Gurugram122004.
11. Vinod Kumar Kharra son of Sh. Kishan Lal, working as Inspector Income tax, Office of Deputy Director of Income tax (Investigation), Parwanoo, r/o Above Kalka Medicos, First floor, Basant Vihar, Housing Board Colony, Kalka, Haryana 133 302.
12. Laxmi Chand Meena son of Sh. Jansi Lal Meena, working as Inspector Income tax, Office of Deputy Director of Income Tax(Investigation), Unit-II, Chandigarh, r/o # 607, Type III, Income tax Society, Sector 20, Panchkula.

.....Applicants.

(By Advocate :- Mr. Barjesh Mittal)

Versus

1. Union of India through its Secretary, Govt. of India, Ministry of Finance, Department of Revenue, North Block, Parliaament Street, New Delhi-110 001.
2. Principal Chief Commissioner of Income tax, North West Region, Govt. of India, Income tax department, Aayakar Bhawan, Sector 17-E, Chandigarh-160017.
3. Deputy Commissioner of Income tax (Headquarter)(Admn) Govt. of India, Income tax Department, Aaykar Bhawan, Sector 17-E, Chandigarh-160017.

...Respondents

O R D E R (Oral).

Sanjeev Kaushik, Member (J):

MA No.060/01610/2018 is allowed and the applicants are permitted to file joint petition.

2. Present OA has been filed by the applicants, who belong to ST category, for issuance of a writ in the nature of Mandamus directing the respondents no.2 & 3 to consider their case for promotion to the cadre of Income tax Officer being within the zone of consideration as per share of entitlement of 7.5% ST quota of reservation in model roster.

3. Heard Shri Barjesh Mittal, learned counsel for the applicants, who submits that since respondents have prepared the eligibility list of category, other than that of ST category, for promotion to the post of Income-tax Officer, therefore, the vacancies which come to the quota of ST category, will be filled up by the un-reserved candidates. He also submitted that the cadre of Income tax Officers consists of 433 posts and as per distribution category wise, 336 vacancies come under the general category under 50% quota, 65 vacancies under SC category under 15% quota, and 32 vacancies under ST category under 7.5% quota. He further submitted that out of 32 vacancies reserved for ST category, less than ten persons are working, therefore, 22 posts are to be filled from ST category. Therefore, he submitted that the present applicants be considered for the post of Income tax Officer as per their quota.

4. We have heard the learned counsel for the applicants and are of the view that the present petition deserves to be dismissed firstly on the ground that there is no view taken by the respondents, as it is only apprehended by the applicants that the respondents will fill these posts out of general category. Secondly that no order whatsoever has been passed by the respondents for promoting the persons, other than the respective quota, and thirdly that the applicants have approached this Court immediately after submitting representation dated 26.9.2018 (Annexure A-7), without waiting for the time prescribed under the Administrative Tribunals Act, 1985.

5. Accordingly, we find that the present petition is premature and the same is dismissed in limine.

(SANJEEV KAUSHIK)
MEMBER (J)

(AJANTA DAYALAN)
MEMBER (A).

Dated:- 16.10.2018.

Kks