

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00485/2018

Dated Thursday the 12th day of April Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

M.Raje-saker,
S/o. S.P.Muthumani,
Deputy Director, (on deputation),
Directorate of Enforcement,
Chennai Zonal Office,
Greams Road, Chennai 600006.

Residing at:
Q5, General Pool Residential Accommodation,
Haddows Road, Nungambakkam,
Chennai 600006.Applicant

By Advocate M/s. P. Ulaganathan

Vs

- 1.The Union of India,
rep by its Secretary,
Ministry of Home Affairs,
Govt. of India,
New Delhi 110001.
- 2.The Union Territory of Puducherry,
rep by its Chief Secretary,
Govt. of Puducherry, Puducherry.
- 3.The Additional Secretary to Govt. (CT),
Commercial Taxes Secretariat,
Govt. of Puducherry,
Puducherry.
- 4.Thiru. G. Srinivas,
Deputy Commissioner (CT),
Commercial Taxes Department,
Govt. of Puducherry,
Puducherry.Respondents

By Advocate Mr. R. Syed Mustafa

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records relating to the order bearing G.O.Ms. No. 14/CT/17-18 dated 07.07.2017 read with G.O.Ms No. 6 dated 16.01.2018 issued by the third respondent and the letter no. 1807/CT/A1/2017/1822 of the third respondent dated 29.11.2017 and set aside the same as illegal and to direct the respondents not to operate any of the posts newly created or upgraded or to be created or upgraded posts including the post of Commissioner of Commercial Tax / Commercial State Tax, by filling up the same by officers from outside the Commercial Tax Department, Government of Puducherry except under the provisions of the recruitment rules in force and to pass any other order, direction or grant any relief, that this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. Learned counsel for the applicant submits that the applicant is due for promotion from Assistant Commissioner to Deputy Commissioner as would be clear from Annexure A23 correspondence between Dy. Commissioner (CT), Government of Puducherry and the Joint Director, Enforcement Directorate, Chennai Zonal Office dt. 24.07.2017. It is alleged that one post of Dy. Commissioner was being upgraded as Commissioner of State Tax to benefit a member of the Puducherry Commercial Taxes Service. It is submitted that upgradation of the existing post of Dy. Commissioner for the purpose of improving the promotional avenues in another service would hurt the interests of the applicant who is already under consideration for promotion.

3. Learned counsel would further submit that the applicant had filed an OA 1449/2016 for his promotion as Deputy Commissioner with effect from

18.04.2007 and the matter is still pending before this Tribunal. The instant OA has been filed as it is apprehended that even if the applicant succeeded in the said OA, the post of Dy. Commissioner may not be available for his promotion.

4. Mr. R. Syed Mustafa takes notice for the respondents.

5. I have considered the matter. As the applicant has already filed an OA staking his claim to be promoted from 18.04.2007, there is no question of any subsequent upgradation of the post several years later coming in the way of relief being granted to him in the said OA, if it is otherwise made on a sound factual and legal footing. Even if the applicant legitimately apprehended that the conversion of one post more than 10 years after the date he allegedly acquired eligibility for promotion for being operated under the Puducherry Commercial Taxes Service would come in the way of grant of relief in the said OA, the relief sought in this OA could be conveniently considered therein by allowing the applicant to amend the prayer in the OA already pending before this Tribunal. Accordingly, this OA is dismissed with liberty to the applicant to move for an amendment to the prayer clause in OA 1449/2016 with supporting documents.

(R. Ramanujam)
Member(A)
12.04.2018

SKSI