

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00956/2018
O.A. 350/00957/2018

Date of order : 9.07.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Subhankar Samanta,
Son of Shri Birendra Nath Samanta,
Aged about 26 years,
Residing at Dakshin Rajyadharpur,
Harihar Nursery Para,
Post Office – Mallickpara, Police Station – Serampore,
District – Hooghly, Pin – 712203 duly accepted
The offer of appointment to the post of
Private Secretary in Income Tax Appellate Tribunal
But the appointment has not been given effect to.
2. Tanmay Datta,
Son of Shri Kashi Nath Datta,
Aged about 29 years,
Residing at 61(27/G/3), Chatra, Telipara, Metasitalatala,
Post Office – Chatra, Police Station – Serampore,
District – Hooghly, Pin – 712204,
Duly accepted the offer of appointment
To the post of Senior Private Secretary in
Income Tax Appellate Tribunal but the
Appointment has not been given effect to.

---Applicant

-Versus-

1. Union of India,
Service through the Secretary,
Ministry of Law & Justice,
Department of Legal Affairs, 4th Floor, A-Wing,
Shastri Bhawan, New Delhi – 110 001.
2. The Income Tax Appellate Tribunal,
Service through the Registrar,
Pratishtha Bhavan, 3rd & 4th Floor,
101, Maharshi Karve Marg,
Mumbai – 400 020.
3. The President,
Income Tax Appellate Tribunal,

Lok Nayak Bhawan, Khan Market,
New Delhi – 110 003;

4. The Registrar,
Income Tax Appellate Tribunal,
Lok Nayak Bhawan, Khan Market,
New Delhi – 110 003;

5. The Assistant Registrar,
Income Tax Appellate Tribunal,
Pratishtha Bhavan,
3rd & 4th Floor, 101, Maharshi Karve Marg,
Mumbai – 400 020.

6. The Ministry of Law & Justice,
Department of Legal Affairs,
Service through the Legal Adviser having
Its office at 11, Strand Road, Kolkata – 700 001.

---Respondents

For the Applicant : Mr. P.C. Das, Counsel

For the Respondents : None

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Ld. Counsel for the applicant is present.

2. Affidavit of service is taken on record. Despite service none appears for respondents, hence we invoke Rule 16(1) of the Central Administrative Tribunal (Procedure) Rules, 1987 and proceed to pass orders.

3. The issues involved in both the O.A.s being identical in nature, the O.A.s are taken up analogously for consideration. O.A. 956 of 2018 is taken up for brevity.

4. The applicant in O.A. No. 956 of 2018 is aggrieved as he was offered appointment to the post of Private Secretary in the Income Tax Appellate

Tribunal, vide offer letter dated 1.8.2016 after going through the rigours of selection, but is not being allowed to join the post against which he has been selected. He has preferred a representation to the President on 12.3.2018 seeking appropriate orders so that he is able to join the post for which he is selected. The applicant has claimed that the pre-employment formalities of medical and PVR has been completed between February, 2017 and June, 2017 and one Ms. Sonali Banerjee, who figures at Srl. No. 2 has been allowed to join at Indore office on 8.3.2017 as Sr. PS and thereafter transferred to Kolkata Office and present posted as Sr. PS. ^{at} [^] Ld. Counsel for the applicant during hearing had also submitted that 3rd in the list, namely, Bidhan Gayen, has also joined as Private Secretary, yet Mr. Tanmay Datta selected to the post of Sr. PS and Mr. Subhankar Samanta selected to the post of Private Secretary ^{are} ~~is~~ languishing without any rhyme or reason.

5. The Ld. Counsel for the applicant submits that the applicants would be satisfied if the President, Income Tax Appellate Tribunal is directed to consider the representation dated 12.3.2018 in accordance with law and to dispose it of with a reasoned and speaking order within a period of 4 weeks.

6. Therefore, we direct that, if nothing stands in the way, the respondent No. 3 shall pass appropriate orders in regard to joining of the two applicants within a period of one month thereafter.

7. Accordingly, both the O.A.s stand disposed of. No costs.

(Nandita Chatterjee)
Administrative Member

SP

(Bidisha Banerjee)
Judicial Member