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Central Administrative Tribunal
Calcutta Bench
Kolkata

OA.350/01494/2014

Date of Order : 03.09.2015

Present : Hon'ble Justice Mr. G. Rajasuria, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Kamlesh Kumar, son of late Jagannath Sah,
aged about 45 years, working at Inspector
of Income Tax in the office of the Commissioner
of Income Tax, Jalpaiguri, West Bengal, resident
of Flat No. A/7, Krishna Kunj Apartments, Near
St. Joseph's High School, Matigara, P.O. New
Rangia, P.S.- Matigara, Dist. Darjeeling, Pin-
734013.

.....Applicant.

-versus-

1. Union of India, through the Secretary to
the Govt. of India, Ministry of Finance,
Department of Revenue, North Block,
New Delhi-110001.
2. The Chairman, Central Board of Direct Taxes,
Ministry of Finance, Department of Revenue,
North Block, New Delhi- 110001.
3. The Principal Chief Commissioner of Income
Tax(West Bengal & Sikkim), Aaykar Bhawan, P-7
Chowringhee Square, Kolkata- 700069.

.....Respondents.

For the Applicant : Mr. S. Bhattacharya, Counsel
For the Respondent : Mr. CR Bag, Counsel
Mr. UP Bhattacharyya, Counsel

ORDER

Per Mr. G. Rajasuria, JM :

Heard both.



2. This OA has been filed seeking the following reliefs:

"8(a) Hon'ble Tribunal be graciously pleased to direct the respondents to comply with the Hon'ble Supreme Court by judgment dated 10.02.1995 in the case of R. K. Sabarwal and review the DPCs of the officials/officers in the grade of Sr. Tax Assistant from 31.08.2001 and the grades of Income Tax Inspectors and Income Tax Officers from 10.02.1995 with consequential benefits in the same manner and to the same effect Karnataka region passed order dated 28.08.2013 (Annexure "A-13")."

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3. The learned counsel for the applicant would reiterate the averments in the OA. Succinctly and precisely the applicant's case is that the respondent authorities filled up the various posts in the Income Tax Department by SC candidates as though those vacancies were unreserved ones.

4. At this juncture, the learned counsel, Mr. A. Chakraborty would orally submit that his clients who are not parties here are intending to get themselves impleaded in this case because they are the SC candidates who got appointment in those vacancies and if any order is passed in this OA that might adversely affect them and he also presented a copy of the order in SLP No. 30621/2011, the operative portion would run thus:

"Status quo existing as on today in respect of the promotional matters that are covered by the impugned judgment shall be maintained till the next date of hearing."

He would state that in as much as the Hon'ble Apex Court granted the order of status quo in respect of those cases which already emerged in similar matters concerning the fill up of the vacancies by SC candidates, the respondent authorities in this matter cannot take a decision.

5. In view of that, we would like to issue the following direction:

After disposal of the SLP referred to supra, the respondent authority shall consider the representation of the applicant and pass a speaking order in respect of the applicant's grievance within a period of 3 months and communicate the same to them thereafter immediately.

(Jaya Das Gupta)
MEMBER(A)

pd

(G.Rajasuria)
MEMBER(J)