

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

MA No.184/2019 in & OA.No.399/2019

Dated Friday, the 22nd day of March, 2019

PRESENT

**Hon'ble Mr.R.Ramanujam, Administrative Member
&
Hon'ble Mr.P.Madhavan, Judicial Member**

1.V.Jayabarathi
2.K.Ramakrishnan
3.R.Ravichandiran
4.P.Radhy

...Applicants

By Advocate M/s V.Ajayakumar

Vs.

1.The Union of India, Rep., by
the Government of Puducherry,
through the Secretary to Government
for Commercial Taxes, Chief
Secretariat, Puducherry.

2.The Commissioner, State Tax (ST),
Commercial Taxes Department,
Puducherry.

3.The Secretary,
Union Public Service Commission,
New Delhi

...Respondents

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

Heard. MA 184/2019 filed by four applicants to join together and file a single OA is allowed.

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

“(i)To call for the records of the 3rd respondent regarding the notification with No.9/2018 dated Nil (Vacancy No.18050910412) for Direct Recruitment and to quash the same and consequently to direct the respondents to fill up the available vacancy of Commercial Tax Officer by way of promotion and to pass such other or further orders in the interest of justice and thus render justice.”

2. The applicants are aggrieved by Annexure A-4 vacancy details by which one post of Commercial Tax Officer had been advertised for being filled up through direct recruitment with the last date for submission of online recruitment application as 31.05.2018. The contention of the applicants is that the applicants were entitled to promotion to the post of Commercial Tax Officer in terms of the ratio prescribed for promotion and direct recruitment quota prior to the amendment of rules dated 23.03.2017. Previously, the quota available for promotion was 75% whereas now under the amended

rules it is reduced to 67%.

3. As the cadre strength of Commercial Tax Officers is eight, six posts ought to be given to the promotees and only two for the direct recruits. However, by issuing the advertisement for direct recruitment for one post, it appeared that the respondents were invoking the amended rule by which three posts would be available for direct recruits. However, the vacancy under the promotion quota had arisen prior to the amendment of the rules and as such the rules could not be given retrospective effect, it is alleged.

4. Learned counsel for the applicant would submit that The Puducherry State Commercial Tax Officers Association had made Annexure A-6 representation dated 08.10.2018 in this regard which had not been responded to. Accordingly the matter is liable to be admitted and considered further.

5. On perusal, it is seen that the notification for one post of Commercial Tax Officer had been issued with 31.05.2018 as the last date. None of the applicants had made any representation to the competent authority regarding their grievance. We are, accordingly, of the view that the applicants could be permitted to make a representation to the competent authority as regards their alleged vested right to be considered for the sixth post under the promotion

quota in terms of the date of vacancy along with citations relied upon, if any within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same in accordance with law and pass a reasoned and speaking order within a period of two months thereafter.

6. OA is disposed of as above.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

22.03.2019

M.T.