(2022) 05 CAT CK 0001

In the Central Administrative Tribunal

Case No : Original Application No. 200, 432 Of 2022

Vikram Rawat APPELLANT

Vs

Union Of India & Others RESPONDENT

Date of Decision : 02-05-2022

Acts Referred:

Citation : (2022) 05 CAT CK 0001

Hon'ble Judges : Ramesh Singh Thakur, Member (J)

Bench : Single Bench

Advocate : Sapan Usrethe, Sanjay Lal

Final Decision : Disposed Of

Judgement

Ramesh Singh Thakur, Member J

1. Through this Original Application, the applicant has sought for the following reliefs:

"8(i) This Hon'ble Tribunal may be pleased to Summon the entire relevant records from the respondents for its kind perusal.

8(ii) This Hon'ble Tribunal may be pleased to direct Respondent No.3 to consider the Applicant's representation dated 01.03.2021 (Annexure A/3) and representation dated 02.02.2022 (Annexure A/6) and decide it with due application of mind, after due consideration of facts and issues pointed out by the Applicant in a time bound manner by passing a reasoned and speaking order giving grounds and reasons for passing such order.

8(iii) This Hon'ble Tribunal may be pleased to direct the respondent authorities to re-fix the seniority of applicant in the cadre of ITI on or before 30.09.2011, issue promotion order of applicant as ITO w.e.f. 01.01.2016, grant Grade Pay of Rs.5400/- (senior scale of ITO – granted after 04 years) w.e.f. 01.01.2020, re-fixation of salary and allowance w.e.f. 30.09.2011 and grant subsequent arrears thereof till date of payment.

8(iv) Any other order or orders that this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case may kindly be passed."

2. From the pleadings, the case of the applicant is that the re-casted/re-drawn seniority list in the cadre of Senior Tax Assistant w.e.f. 2000-01 was issued vide order dated 19.02.2021 (Annexure A-1), in which name of the applicant for the Vacancy Year 2002-03 finds place at Sr. No.57 and name of three juniors to the applicant viz; Shri R.K. Das, Shri Sudhir Gupta and Shri T.V. Chacko is at Sr. Nos.01 & 02 for the Vacancy Year 2003-04 and 2007-08 respectively. On the same date, i.e. 19.02.2021 (Annexure A-2), the respondent department also issued the re-casted/re-drawn seniority list of Office Superintendent w.e.f. 2007-08, wherein the name of the applicant finds place at Sr. No.24 for the Vacancy Year, whereas the three juniors of the applicants are at Sr. Nos.27, 28 and 13 for the Vacancy Year 2009-10 and 2011-12. The grievance of the applicant is that the juniors to the applicant have already been promoted as Income Tax Officer. But the applicant has not been promoted as ITO as on date. The applicant has preferred a representation dated 01.03.2021 (Annexure A-3) for re-fixation of his inter-se seniority in the cadre of Income Tax Inspector and subsequent promotion as ITO, which was followed by reminder dated 02.02.2022 (Annexure A-6). However, till date no action has been taken by the respondents.

3. At this stage, learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to consider and decide his representations (Annexure A-3 & A-6) in a time-bound manner in view of response to the RTI application received on 15.07.2021 (Annexure A-5).

4. This Tribunal has considered the matter and is of the view that ends of justice will be met if the competent authority is directed to decide the representations of the applicant within a time frame. Resultantly, without going into the merits of the case, this Original Application is disposed of at the admission stage itself with a direction to the competent authority of the respondent department to consider and decide applicant's representations (Annexure A-3 & A-6), particularly in view of Annexure A-5, within a period of eight weeks from the date of receipt of a copy of this order. For this purpose, the applicant is directed to make available the copy of this order along with the Original Application to the competent authority.