

BEFORE DR. GITA RAWAT, JOINT SECRETARY & FIRST
APPELLATE AUTHORITY

(Under Section 19 of RTI Act, 2005)
MINISTRY OF LAW & JUSTICE: DEPARTMENT OF LEGAL AFFAIRS
ROOM NO. 408, 'A' WING, SHASTRI BHAWAN, NEW DELHI 110001

10/1
-A

Appeal No.21(154)/2014-IC

Date: 22.04.2014.

In the matter of

Shri O.P. Keshri,
Income Tax Appellate Tribunal,
Kendriya Sadan, Sector 9A,
Chandigarh

Appellant

Versus

Central Public Information Officer
Ministry of Law & Justice
Department of Legal Affairs
Shastri Bhawan
NEW DELHI - 110001

Respondent

Date: 22.04.2014

ORDER

The appellant has filed an appeal on 27.3.2014 received on 03.4.2014 under Section 19 of the RTI Act for not getting the information furnished by the CPIO, the respondent vide letter NO. 21(154)/2014 dated 03.04.2014.


Brief facts of the case:

1. The appellant vide his application dated 14.2.2014 received on 20.2.2014 sought information relating to DPC.
2. The respondent has collected the information from the concerned sections of this Ministry and sent the reply to the appellant vide letter No. 21(154)/2014-IC dated 03.04.2014.
3. Being aggrieved with the information of the respondent the appellant has filed an appeal received on 3.4.2014.

4. I undersigned have been appointed as Appellate Authority in the matter on. After perusal of the facts of the case it appears that no hearing is required in this matter.

Observation

5. On perusal of the record it appears that the information furnished by the respondent vide letter dated 3.4.2014 is the substantive response for the information asked by the applicant in the original application.
6. I have assessed the facts and circumstances of the case and come to the conclusion that the CPIO, the respondent has acted as per provisions of Act. In view of keeping the principles of natural justice the appeal is rejected.
7. The appellant may kindly note that since the proceeding has been closed, no further hearing may be conducted in this matter. Moreover, if there is any grievance against the order of the Appellate Authority, he may file second appeal before the Hon'ble CIC sitting at 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066(within 90 days) i.e period as prescribed under the provision of RTI Act, 2005.



22-4-14

(DR. GITA RAWAT)
Joint Secretary & Appellate Authority
Date: 22.04.2014

Copy to:

1. Shri O.P. Keshri, Income Tax Appellate Tribunal, Kendriya Sadan, Sector 9A, Chandigarh
2. Smt. Asha Sota, CPIO/Under Secretary, Deptt. of Legal Affairs.

(DR. GITA RAWAT)
Joint Secretary &
First Appellate Authority
Ministry of Law & Justice
(Deptt. of Legal Affairs)
Govt. of India, New Delhi

EP-2715

J-31/3/2014

From:
O.P Keshri
Assistant Registrar

F.No.31-Ad (ATCH)/2014
Income Tax Appellate Tribunal,
Kendriya Sadan, Sector 9-A,
Chandigarh.

Dated: 27.03.2014

To,
The First Appellate Authority (RTI Matter),
Deptt. Of Legal Affairs,
Ministry of Law & Justice,
Shastri Bhawan,
New Delhi-110001

SUB: SEEKING INFORMATION UNDER THE RIGHT TO INFORMATION ACT.

Respected Sir,

The undersigned had made an application seeking certain piece of information on 14.02.2014. As per track result available on Internet, it was delivered to your office on 19.02.2014. The copy of the letter addressed to the APIO is enclosed for your ready reference.

As per norms the reply should have been made to applicant within 30 days of the receipt of the application. But till date no information has been received.

It is, therefore, requested that the matter may kindly be looked into and the reason for not furnishing the reply by the APIO within the prescribed time limit may also be made known.

With regards,

Yours faithfully

oest
Assistant Registrar

Encl.: As above.

569
R&IDy. No. 569
Dated 31/3/14

REGISTRATION CELL

From:
O.P Keshri
Assistant Registrar

F.No.31-Ad (ATCH)/2013
Income Tax Appellate Tribunal,
Kendriya Sadan, Sector 9-A,
Chandigarh.

Dated: 14.02.2014

To,
The Assistant Public Information Officer
Deptt. Of Legal Affairs,
Ministry of Law & Justice,
Shastri Bhawan,
New Delhi-110001

SUB: SEEKING INFORMATION UNDER THE RIGHT TO INFORMATION ACT.

Respected Sir,

The undersigned had made a representation to the Head Office of Income Tax Appellate Tribunal for seeking promotion to the post of Assistant Registrar (from Hindi Translator to Assistant Registrar) from the date of eligibility as prescribed in the relevant Recruitment Rules. As per that rules the undersigned is eligible to be considered for promotion to the post of Assistant Registrar from Sept. 1993. In my representation this fact was explicitly mentioned. However, my representation was rejected by giving certain points. The copy of the rejection is also enclosed herewith for your ready reference.

Since the post of Assistant Registrar is gazetted one, the DPC is conducted by the Ministry itself. As such the undersigned makes the submission before the Ministry.

Before coming to the main issue I would like to quote the relevant instructions of DOPT "*Frequency of DPC meeting-DPC should meet at regular annual intervals to draw panels which could be utilized for promotions during the year. A fixed schedule may be followed each year. Convening DPC should not be delayed for the reason that Recruitment Rules are under revision etc. The Rules in force on the date of vacancy have to be followed. DPC meeting should not also be held up till the occurrence of vacancy. Convening of DPC may be dispensed with only after a certificate is issued by the Appointing Authority that there are no vacancies to be filled by promotion during the year in question.*"

From the reading of the above instructions it is crystal clear that DPC should meet at regular intervals. Convening of DPC may be dispensed with only after certificate issued by the Appointing Authority that there are no vacancies to be filled by promotion during the year in question. In this regard, my query is that the reason for non-convening of DPC at the appropriate annual intervals i.e. from 1993 to 1997 may kindly be made known.

As per the intimation of rejection it has been stated that the process of holding DPC of all Assistant Registrar was initiated at relevant time. As per DOPT instructions cited above as well as provision of Recruitment Rules applicable the relevant time should have been Sept. 1993. But in the rejection letter it has been further intimated that after satisfying certain queries the matter was finalized in 1998.

My query in respect of above matter relates to seeking certain information under RTI are as follows:

1. The reason for non-convening of DPC at the appropriate annual intervals i.e. from 1993 to 1997 may kindly be made known.
2. Please let me know at what relevant time the process of holding DPC of Assistant Registrar under promotion quota was initiated.
3. Please let me know what are those queries which took more than 5 years for finalizing the matter.

For this purpose IPO of Rs.10/- is enclosed herewith for providing necessary information and copies of documentation if any.

✓

INCOME TAX APPELLATE TRIBUNAL, MUMBAI

Sub: Representation for seeking promotion from the date of eligibility in respect of Shri O.P. Keshri, Assistant Registrar, I.T.A.T., Chandigarh Benches, Chandigarh - reg.

Ref.: U.O.No.F.25-Ad(ATC)/2013 dated 26.07.2013 of A.R., I.T.A.T., Chandigarh alongwith application dated 26.07.2013.

With reference to the subject cited above, it is informed that the above U.O. dated 08.10.2013 alongwith the application dated 26.07.2013 of Shri O.P. Keshri, Assistant Registrar, I.T.A.T., Chandigarh Benches, Chandigarh seeking promotion from the date of eligibility was placed before the Hon'ble President, I.T.A.T.

Further, Shri O.P. Keshri, A.R. may be intimated that there is no merit in his representation in the light of following points: -

- (i) Shri O.P. Keshri, A.R. has raised the issue of his promotion of A.R. after 15 years. He has already accepted his promotion as A.R. in 1998 and served as A.R. thereafter.
- (ii) Secondly, as a matter of record, process of holding DPC for A.R.s under promotion quota was in process at relevant time, which finalized in 1998 after satisfying certain queries which had adequate reason and as such there is no delay on the part of I.T.A.T.

This is issued with the approval of the Hon'ble President, I.T.A.T.


sd/-

ASSISTANT REGISTRAR

The Assistant Registrar, I.T.A.T., Chandigarh Benches, Chandigarh.
U.O.No.F.46-Ad (AT)/2013 dated 13.12.2013.

Copy to: -

- ✓ 1. Shri O.P. Keshri, Assistant Registrar, I.T.A.T., Chandigarh Benches, Chandigarh.


ASSISTANT REGISTRAR

F.No.21 (154) / 2014-IC
Government of India
Ministry of Law & Justice
Department of Legal Affairs
IMPLEMENTATION CELL

①

Shastri Bhawan, New Delhi

Dated: 03.04.2014

To,
Shri O.P. Keshri,
Income Tax Appellate Tribunal,
Kendriya Sadan, Sector - 9A,
Chandigarh.

Subject: - Information under RTI Act, 2005.

Sir,

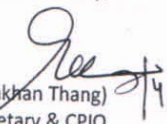
I am to refer to your RTI application dated 14.02.2014 (received on 20.02.2014) on the subject mentioned above and to enclose herewith information received from the concerned Section as Annexure.


2. There is some inadvertent delay in furnishing the information which is unintentional & is regretted.

3. Dr. Gita Rawat, Joint Secretary & Legal Adviser, Ministry Of Law & Justice, Department of Legal Affairs, Room No. 408, 'A' Wing, 4th floor, Shastri Bhawan, New Delhi-110001, Tel No. 23384777, is the 1st Appellate Authority. The period of limitation for filling the 1st Appeal is 30 days.

Encl : As above

Yours faithfully,


(K. Ginkhan Thang)
Deputy Secretary & CPIO
Tel. No. 23384706


Received
09.04.2014

Shastri Bhawan, New Delhi
Dated, the 01st April, 2014

OFFICE MEMORANDUM


Subject: - Information sought for by Shri O.P. Keshri, under the Right to Information Act, 2005 - reg.

The undersigned is directed to refer to Implementation Cell's Office Memorandum No. 21(154)/2014-IC dated 24th February, 2014, on the above subject. The requisite information is given below:-

Sl. No.	Information sought for	Reply
1.	The reason for non-convening of DPC at the appropriate annual intervals i.e. from 1993 to 1997 may kindly be made known.	As per available records, copies of the following communications exchanged between Ministry of Law & Justice, Department of Legal Affairs (Main Secretariat) and Income Tax Appellate Tribunal (ITAT) in connection with convening DPC to consider promotion to the post of Assistant Registrars in the ITAT, during the period from September, 1992 to October, 1998, the contents of which are self-explanatory, are enclosed:- (i) No. F.48(C)-Ad(AT)/90 dated 17.09.1992. (ii) No. A-12023/16/92-Admn.III (LA) dated 10.03.1993 (iii) No. 48/Ad/AT/94 dated 11.11.1994. (iv) A-12023/10/92-Admn.III (LA) dated 13.12.1994. (v) F. 48-Ad(AT)/95-96 dated 17.10.1995. (vi) A-12023(10)/92-Admn. III (LA) dated 6.12.1995. (vii) F.48 (C)/Ad/AT/98 dated 26.05.1998 (viii) A-12023/2/98-Admn.III (LA) issued on 03.07.1998 (ix) F.48(C)-Ad(AT)/98 dated 28.07.1998. (x) A-12023/2/98-Admn.III (LA) dated 04.09.1998. (xi) F.48(C)-Ad/At/98 dated 11.09.1998. (xii) A-12023/2/98-Admn. III (LA) dated 14.10.1998.
2.	Please let me know at what relevant time the process of holding DPC of Assistant Registrar under promotion quota was initiated.	
3.	Please let me know what are those queries which took more than 5 years for finalizing the matter.	

2. The above information is not barred from disclosure under the Right to Information Act, 2005.

Encl: As above.


(D. Choudhury)
Under Secretary to the Govt. of India

To ✓
Ms. Asha Sota,
CAPIO & Under Secretary,
Department of Legal Affairs

Dy No - 73 (US) Asha Sota
2/4/14

(4)

IV. Assistant Superintendent
with 10 years regular
combined service in the
grades of Assistant
Superintendent, Head Clerk
and Senior Stenographer.

1. Sri R.K. Bhattacharya
2. Sri S.S. Katkar (S/C)
3. Sri R. Kallapuram
4. Sri K. Sathianathan
5. Sri Chanderbhan
6. Sri T.C. Goswami

The necessary papers as per Annexure 'A' to this letter are forwarded herewith for placing the same before the Departmental Promotion Committee. The complete and upto date Annual Confidential Report dossiers of all the eligible persons mentioned above are also forwarded herewith. The integrity certificate in favour of these persons are also forwarded herewith.

I am directed to request that necessary action may kindly be taken at an early date in the matter and the recommendations of the Departmental Promotion Committee conveyed to this office for implementation thereof.

Yours faithfully,

Encl: as above.

G.P. BAJPAI
(G.P. BAJPAI)
REGISTRAR

महाराष्ट्र सरकार
Income Tax Appellate Tribunal
401 Bombay

SECRET

(5)

CONFIDENTIAL

No. A.12023/16/92-Adm.III(LA)
Government of India
Ministry of Law, Justice & Co. Affairs
Department of Legal Affairs
.....

New Delhi, the 10th March, 1993

To

The Registrar,
Income Tax Appellate Tribunal,
Central Govt. Offices Building,
Maharshi Karve Road,
New Delhi.

Subject:- Appointment of Assistant Registrar in the Income
Tax Appellate Tribunal against promotion quota.
.....

Sir,

I am directed to refer to your letter No. F.48(C)-
Ad(AT)/90 dated 17th September, 1992 on the above mentioned
subject and to say that in view of the D.P.C. proposal for
promotion of Assistant Registrars as Deputy Registrars, Income
Tax Appellate Tribunal already under consideration some more
vacancies in the grade are anticipated. It is requested that
a revised proposal may kindly be sent to this Department to
enable us to process the matter further.

Yours faithfully,

R
(R. Venkateswaran)
Officer on Special Duty

de *14/4/93*

Final note
Rs no. 2/43
10/3/93

August, 1994. vide this in the Departmental B...
persons are not...

तार : आवाधिकरण
Telegram : INCOTRIBUNAL

भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
कार्यालय आय-कर अपील अधिकरण
Office of the Income-tax Appellate Tribunal

टेलिफोन : 293848
Telephone : 293848

केन्द्रीय सरकार कार्यालय भवन,
Central Govt. Offices Bldg.,
चौथी मंजिल, १०१, महर्षि कर्वे रोड,
4th Floor, 101, Maharshi Karve Road,
बम्बई-४०० ०२०
BOMBAY-400 020

क्रमांक
No. F.48/Ad/AT/94

दिनांक
Dated the 11th November, 94.

To,
Shri R. Venkateswaran,
Under Secretary to the
Govt. of India,
Ministry of Law, Justice
& Co. Affairs,
Deptt. of Legal Affairs,
NEW DELHI.

Sub : Appointment of Assistant Registrars in the
Income-tax Appellate Tribunal against
promotion quota - regarding.

Sir,

I am directed to invite reference to this office letter of even number dated 27th August, 1994 on the above subject and to say that besides the 5 posts of Assistant Registrar already notified in the aforesaid letter, 1 more post of Assistant Registrar has fallen vacant due to promotion of Shri S. Prasad, a permanent Assistant Registrar as Deputy Registrar, I.T.A.T. with effect from 05.09.94. This vacancy has arisen at Point No. 47 of the combined roster based on reservation of vacancies to be filled up by direct recruitment and by promotion in accordance with the Recruitment Rules for the post of Assistant Registrar, I.T.A.T. The vacancy arises at Point No. 23 of the model roster for reservation in the post of Assistant Registrar and is unreserved.

In this connection, I am directed to add that due to delay in filling up of the vacancies, the persons have to be appointed to these vacant posts on ad-hoc basis in the interest of smooth carrying on of the work of the Tribunal. Such an arrangement, it will be appreciated, cannot be allowed to continue for unduly long time. It is therefore, high time that the posts are filled up on regular basis, without any further loss of time.

The names of the persons who come within the zone of consideration for promotion and are eligible in accordance with the Recruitment Rules for the post of Assistant Registrar, I.T.A.T. are already proposed for consideration of the Departmental Promotion Committee in order of their seniority in the feeder grades alongwith integrity certificate vide this office letter of even number dated 27th August, 1994. The complete and up to date ACRs of these persons are being sent separately.

....2.

16/11/94
Adm III

Pl. Spec.
22/11/94
15

1006
22-11-94

तार : आवाधिकरण
Telegram : INCOTRIBUNAL

भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
कार्यालय आय-कर अपील अधिकरण
Office of the Income-tax Appellate Tribunal

7
टेलिफोन : २९३८४८
Telephone : 293848

केंद्रीय सरकार कार्यालय भवन,
Central Govt. Offices Bldg.,
चौथी मंजिल, १०१, महर्षि कर्वे रोड,
4th Floor, 101, Maharshi Karve Road,
बम्बई-४०० ०२०
BOMBAY-400 020

क्रमांक
No. _____

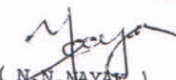
दिनांक
Dated the _____

.... 2

I am directed to request that necessary action may kindly be taken in the matter and the recommendations of the Departmental Promotion Committee conveyed to this office expeditiously in the interest of administration.

This is issued on the direction of Hon'ble President, ITAT.

Yours faithfully,


(N.N. NAYAR)
DEPUTY REGISTRAR

SECRET (D)

MOST IMMEDIATE
CONFIDENTIAL

No. A-12023/10/92-Admn. III (LA)
Government of India
Ministry of Law, Justice & Company Affairs
Department of Legal Affairs

New Delhi, the 13th December, 1994.

To

Shri N.N. Nayak,
Deputy Registrar,
Income-tax Appellate Tribunal,
Lok Nayak Bhawan,
Khan Market,
NEW DELHI.

Subject: Appointment of Assistant Registrars in the
Income-tax Appellate Tribunal against promotion
quota.

Sir,

With reference to your letter No.F.48/AD/AT/94-
dated 11th November, 1994 on the subject mentioned above and
I am directed to say that your letter dated 27th August,
1994 has not been received in this Department. In this
connection the following information is required urgently:-

- (i) A copy of letter dated 27th August, 1994 for
ready reference;
- (ii) A revised proposal alongwith vigilance
clearance/integrity certificates in respect of
officers in question.
- (iii) An attested copy of the combined up-to-date
roster indicating the number of vacancies
falling on the promotion quota;
- (iv) An attested copy of eligibility list of
officers who are under consideration zone of
promotion.
- (v) A copy of the Seniority list.
- (vi) Total number of existing/anticipated vacancies
in the promotion quota in the grade of
Assistant Registrar.
- (vii) Confidential Reports of the officers under
consideration for the years 1992-93 and 1993-94
respectively.

2. It is requested that the above information may
kindly be furnished immediately to enable us to process the
matter further.

3. The matter may be given Top Priority.

Yours faithfully,

R

(R. VENKATESWARAN)
UNDER SECRETARY TO THE GOVT. OF INDIA

Departments in the feeder grades alongwith integrity certificates
this office letter of even number dated 27th August, 1994.
The complete and upto-date ACRs of these persons are being
sent separately.

.....2.

Read wide
Pno. 3/94
14/12/94

सार : आयाधिकरण
Telegram: INCOTRIBUNAL

भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
कार्यालय आय-कर अपील अधिकरण
Office of the Income-tax Appellate Tribunal

टेलिफोन : २९३८१८
Telephone: 293848

केंद्रीय सरकार कार्यालय भवन,
Central Govt. Offices Bldg.,
चौथी मंजिल, १०१, महात्मा करवे रोड,
4th Floor, 101, Mahatma Karve Road,
बम्बई-४०० ०२०
BOMBAY-400 020

क्रमांक
No. F.48-Ad(AT)/95-96

दिनांक
Dated the 17th Oct., 95.

To,
Shri R.Venkateswaran,
Under Secretary
to the Govt. of India,
Ministry of Law, Justice
and Co. Affairs,
Deptt. of Legal Affairs,
NEW DELHI.

Sub:- Appointment of Assistant Registrar in the
Income-tax Appellate Tribunal against
promotion quota - regarding.

Sir,

I am directed to invite reference to this office letter of even number dated 11th November, 94 on the above subject and to say that besides the 6 posts of Assistant Registrar already notified in the aforesaid letter, one more post of Assistant Registrar has fallen vacant due to retirement of Shri K.N.Kothiyal, a permanent Assistant Registrar with effect from 01.09.95. This vacancy has arisen at Point No.49 of the combined roster based on reservation of vacancies to be filled up by direct recruitment and by promotion in accordance with the recruitment rules for the post of Assistant Registrar, I.T.A.T. The vacancy arises at Point No.24 of the model roster for reservation in the post of Assistant Registrar and is unreserved.

In this connection, I am directed to add that due to delay in filling up of the vacancies, the persons have to be appointed to these vacant posts on ad-hoc basis in the interest of smooth carrying on of the work of the Tribunal. Such an arrangement, it will be appreciated, cannot be allowed to continue indefinitely. It is therefore, high time that the posts are filled up on regular basis, without any further loss of time.

The names of the persons who come within the zone of consideration for promotion and are eligible in accordance with the recruitment rules for the post of Assistant Registrar I.T.A.T. are already proposed for consideration of the Departmental Promotion Committee in order of their seniority in the feeder grades alongwith integrity certificate vide this office letter of even number dated 27th August, 1994. The complete and upto date ACRs of these persons are being sent separately.

.....2.

U/S
Adm. II (L.A.)

(10)

I am directed to request that necessary action may kindly be taken in the matter and the recommendations of the Departmental Promotion Committee conveyed to this office expeditiously in the interest of administration.

This is issued at the direction of the Hon'ble President, I.T.A.T.

Yours faithfully,


(S. PRASAD)
DEPUTY REGISTRAR

11
MOST IMMEDIATE
CONFIDENTIAL
REMINDER

F.No.A-12023(10)/92-Admn.III(LA)
Government of India
Ministry of Law, Justice & Co. Affairs
Department of Legal Affairs
* * * *

New Delhi, the 6th Dec., 1995

To


Deputy Registrar,
Income Tax Appellate Tribunal,
Lok Nayak Bhawan,
Khan Market,
New Delhi.

Sub: Appointment of Assistant Registrars in the Income
Tax Appellate Tribunal against promotion quota.

Sir,

I am directed to refer to this Department's letter of even number dated 13 December 1994 on the above subject (copy enclosed), and to say that necessary information called therein has not been received so far.

2. Your attention is further invited to your letter no.F.48-Ad(AT)/95-96 dated 17 October 1995, informing that one more vacancy of Assistant Registrar is available. In this connection you are requested to send a self contained note of all the existing vacancy including the one due to the retirement of Shri K.N.Kothiyal be submitted to this Ministry, ensuring strict compliance with the points raised in this Department's letter dated 13th December, 1994.


(M.N.S.RAO)

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

*Read with
pro. 2/95
6/12/95*

सार : आवाधिकरण
Telegram : INCOTRIBUNAL

भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
कार्यालय आय-कर अपील अदिकरण
Office of the Income-tax Appellate Tribunal

टेलिफोन : २९३८४८
Telephone : 293848

S.M. 102

केन्द्रीय सरकार कार्यालय भवन,
Central Govt. Offices Bldg.,
चौथी मंजिल, १०१, महर्षि कर्वे रोड,
4th Floor, 101, Maharshi Karve Road,
बम्बई-४०० ०२०
BOMBAY-400 020

क्रमांक
No. F.48(C)/Ad/AT/98

दिनांक
Dated the 26th May, 98.

To,
The Deputy Secretary to the
Government of India,
Ministry of Law & Justice,
Department of Legal Affairs,
NEW DELHI

Sub:- Appointment of Assistant Registrars in the
Income-tax Appellate Tribunal against
promotion quota - regarding.

Sir,

I am directed to invite reference to this office letter of even number dated 17th October, 95 on the above subject and to say that besides the seven posts of Assistant Registrars already notified in the aforesaid letter, one more post of Assistant Registrar has fallen vacant due to retirement of Shri M.L.Roy, a permanent Assistant Registrar with effect from 1.3.97. A copy of the particulars of seven vacancies of the Assistant Registrars in the I.T.A.T. is enclosed herewith ready reference.

2. I am further directed to state that the Government have created 10 more posts of Assistant Registrars vide Ministry's letter No.F-20011(2)/95-Adm.III(LA) dated the 5th March, 1997. As per the post-based roster circulated vide O.M.No.36012/2.6.5 Estt.(Res) dated 2.7.97 of the Department of Personnel and Training, out of these 10 posts, 7 posts are to be filled up by promotion on the recommendations of the D.P.C.

3. As per the revised post-based roster, the fifteen total existing vacancies of Assistant Registrars now fall under the various categories as under :-

Unreserved	:	12
S.C.	:	2
S.T.	:	1
Total	:	15

.....2/-

4. In this connection, it is stated that on account of unavoidable delay in filling up these vacancies, ad-hoc appointments had to be made against these vacancies in the Tribunal. Such an arrangement, it will be appreciated, cannot continue for unduly long periods. It is, therefore, desired that the posts may immediately be filled up on regular basis.

5. The names of the eligible persons in order of seniority in the feeder grade, who fall within the zone of consideration for promotion, in accordance with the Recruitment Rules for the post of Assistant Registrar, I.T.A.T. are given below for consideration of the Department Promotion Committee.

- I. Superintendent with 3 years' regular service in the grade : Shri R.Kaliaperumal
" K.Sathianathan
" T.C.Goswami
- II. failing which
Superintendent with 6 years' combined service in the grades of Superintendent & Assistant Superintendent : None
- III. failing which
Assistant Superintendents and Translators (Hindi/English) with 6 years' regular service in the respective grades : Shri B.K.Sharma
" S.K.L.Srivastava
" M.P.Sharma
" Y.M.Sharma
" O.P.Kesari
" B.L.Hirve (S/C)
" U.S.Dwivedi
" Jaykishan Lodha
- IV. failing which
Assistant Superintendent with 10 years regular combined service in the grades of Assistant Superintendent and Head Clerk and Sr.Stenographer: Shri C.N.Kutty
" P.L.Kochappan
" M.S.Vadke
" R.S.Dhoke (S/C)
" R.N.Lekhandwalla
" Harbans Singh
" B.J.Soni
" S.K.Roy (S/C)
" S.K.Soni
- V. failing which
Head Clerks and Sr.Stenographer with 10 years regular service in the respective grades : HEAD CLERK
Shri Balbhadra Dutt

.....3/-

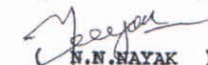
6. In pursuance of your letter No.A-12023/10/92-Adm. III(LA) dated 13th December, 1994 & 6th December, 1995, copies of the following documents are enclosed herewith:

- I. Letter dated 27th August, 1994.
- II. Vigilance Clearance/Integrity Certificates in respect of above said officers.
- III. An attested copy of the post based roster indicating the number of vacancies falling under the various categories in the promotion quota.
- IV. Eligibility list of officers who are under consideration zone of promotion.
- V. A copy of the seniority list.
- VI. Confidential Reports of the officers under consideration.

I am, therefore, directed to request that necessary action may kindly be taken in the matter and the recommendations of the Departmental Promotion Committee conveyed to this office expeditiously.

This is issued on the directions of the Hon'ble President, ITAT.

Yours faithfully,


(N.N. NAYAK)
REGISTRAR
Tel.No.208 6946

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No.A-12023/2/98-Adm.III(LA)
Government of India
Ministry of Law and Justice
Department of Legal Affairs

New Delhi, the July, 1998.

To
Shri N.N. Nayak,
Registrar,
Income Tax Appellate Tribunal,
101, Old C.G.O. Building,
Maharishi Karve Road,
Mumbai-20.

Shri N.N. Nayak,
Registrar,
Income Tax Appellate Tribunal,
101, Old C.G.O. Building,
Maharishi Karve Road,
Mumbai-20.

Subject:- DPC-proposal to consider promotion to the post of Assistant Registrar in the I.T.A.T. against promotion quota.

Sir

I am directed to refer to the Tribunal's letter No.F.48(C)/Ad/AT/98 dated 26th May, 1998 and subsequent reminder dated 25th June, 1998 on the subject mentioned above and to say that the following shortcomings have been noticed in the D.P.C. proposal submitted by the Tribunal:

- (i) The exact date on which the vacancies arose and also the reasons have not been indicated.
- (ii) The reservation position has not been examined properly in accordance with the Deptt. of Personnel's O.M.No. 36012/2/96-Estt. (Res.) dated 2nd July, 1997 which has prescribed post-based reservations. The reservations position may be re-examined after following the procedure laid down in the said O.M. and after adopting the new post based roster as prescribed.
- (iii) Vigilance clearance in respect of all eligible candidates.
- (iv) Statement to the effect that no major/minor penalty has been imposed on any of the eligible officer under consideration during the last 10 years.

Contd.-2/-

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N.N. NAYAK
N.N. NAYAK)

(16)

2. Pending receipt of the necessary clarifications/action in respect of the above, no action is being taken on the proposal at this end.

3. In view of the above, it is requested that the above clarifications may kindly be send to this Ministry immediately.

Yours faithfully,

B. Singh
(B.SINGH)

Under Secretary to the Govt. of India

Copy *Ans*
27/12

Yours faithfully,

तारिका : आयाधिकरण
Telegram : INCOTRIBUNAL

भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
कार्यालय आय-कर अपील अधिकरण
Office of the Income-tax Appellate Tribunal

टेलिफोन : २९३८४८
Telephone : 29 38 48

सविनियमित डाक
SPEED POST

केंद्रीय सरकार कार्यालय भवन,
Central Govt. Offices Bldg.,
चौथी मंजिल, १०१, महर्षि कर्वे रोड,
4th floor, 101, Maharshi Karve Road,
बम्बई ४०० ०२०
BOMBAY 400 020

क्रमांक
No.F.48(C)-Ad(AT)/98

दिनांक
Dated the 28th July, 1998.

To:

Shri B. Singh,
Under Secretary to the
Government of India,
Ministry of Law & Justice,
Department of Legal Affairs,
NEW DELHI.

Sub: DPC - proposal to consider promotion to
the post of Assistant Registrar in the
Income - tax Appellate Tribunal against
promotion quota.

Ref: 1. This office letter No.F.48(C)-Ad(AT)/98,
dated 26.5.98 and subsequent reminder
dated 25.6.98.
2. Your letter No.A-12023/2/98-Adm.III(LA),
dated 3.7.98.

Sir,

With reference to above I am directed to furnish
the following information as desired :

- i) A statement showing therein the number of year-wise
vacancy against promotion quota with exact date and
reasons thereof is enclosed herewith.
- ii) The reservation position has been examined properly
in accordance with the O.M.No.36012/2/96-Estt.(Res),
dated 2nd July, 1997 of the DoPT. Complete details
are furnished in the enclosure Annexure 'A'.
- iii) Vigilance clearance certificate in respect of all
eligible candidates have already been sent along
with this office letter of even number dated 26th
May, 1998 which may kindly be referred to.
- iv) This is to certify that no major/minor penalty has
been imposed on any of the eligible officers under
consideration during the last 10 years.

In view of the above, it is requested that further
action to hold the DPC to consider promotion to the post of
Assistant Registrar may kindly be taken at the earliest.

Yours faithfully,

(N.N.NAYAK)
REGISTRAR

सुप्रीम कोर्ट
SPEED POST

SMC 6-5
No.F.48(C)-Ad/At/98
Income-tax Appellate Tribunal
Central Govt.Offices Building
4th floor,Maharshi Karve Road
M U M B A I - 4 0 0 0 2 0

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Dated the 11th Sept., 1998.

To,

The Under Secretary to the
Government of India,
Ministry of Law, Justice & Company Affairs,
Department of Legal Affairs,
NEW DELHI.

SPP. No. 2335

Sub: DPC proposal to consider promotion to
the posts of Assistant Registrars in
the ITAT from promotion quota -
clarification - regarding.

* * *

Sir,

With reference to your letter No.A-12023/2/98-
Adm.III(LA), dated 4th Sept., 1998 on the above subject,
I am directed to clarify point wise as under:-

1) A statement entitled "PARTICULARS IN RESPECT
OF SEVEN VACANCIES OF THE ASSISTANT REGISTRAR, ITAT,
AGAINST PROMOTION QUOTA", enclosed with this office
letter of even number dated 26.05.98 clearly brings
out the details of the point at which each of the 7
vacancies fall including the point of a model roster
for reservation in the post of Assistant Registrar
indicating reservation position of each of the 7
vacancies.

11(LA)
11) Copy of the model roster for reservation with
reference to posts for promotion is already enclosed
with this office letter of even number dated 26.05.98
but inadvertently it could not be mentioned in the
body of the aforesaid letter. However, a copy of
said roster is again sent herewith.

11263 को प्राप्त हुआ
कतु = जारी की सं०.....
11) As already clarified vide Annexure 'A' enclosed
with this office letter of even number dated 28.7.98,
out of the total 34 posts of Assistant Registrar in
the ITAT which also includes the newly created 10
posts of Assistant Registrar, 17 posts go for direct
recruitment quota and 17 for promotion of departmental
candidates. Out of the total 17 posts available for
being filled up by promotion, 2 posts have already
been filled up by appointment of Shri V.N.Chaudhary
and Shri D.K.Gupta thus leaving a balance of 15 posts
of Assistant Registrar to be filled up by promotion
and break-up of which already contains in the
Annexure 'A' referred to above.

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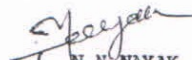
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iv) Action is being taken to ^{direct}~~direct~~ the vacancy to the Direct Recruitment Quota in accordance with the guidelines contained in the DoPT OM No.AB-14017/30/89-Est.RR, dated 10th July, 1990 as presently there is no eligible candidate for the post of Assistant Registrar from the Schedule Tribe community.

In view of the above, it is requested that further action to hold the DPC to consider promotion to the post of Assistant Registrar may kindly be taken at the earliest. In this connection a copy of the DO letter No.F.48(C)-Ad/AT/98, dated 25.6.98 from the Hon'ble President, ITAT is also enclosed for further necessary action at your end.

Yours faithfully,


N.N. NAYAK)
REGISTRAR

Encl: As above.

S.No. 90

CONFIDENTIAL

No. A-12623/2/98-Adm. III (L.A.)
Government of India
Ministry of Law, Justice and Co. Affairs
Department of Legal Affairs

New Delhi, the 14th October, 1998.

To

Shri N.N. Nayak,
Registrar,
Income Tax Appellate Tribunal,
C.G.O. Building, 4th Floor,
101, Maharishi Karve Road,
Mumbai-20.

Subject:- Appointment of Assistant Registrars in the Income
Tax Appellate Tribunal against promotion quota-reg.

Sir,

I am directed to refer to your letter No. F-48(C)-
AO/AT/98 dated 11th September, 1998 on the above mentioned
subject and to state that the DPC meeting under the
Chairmanship of the Law Secretary was held on 13-10-1998.
The Committee have recommended the following persons for
appointment to the 14 vacant posts of Assistant Registrar,
Income Tax Appellate Tribunal:-

Category- 'A':
1. Shri R. Kaliaperumal.
2. Shri K. Sathianathan.
3. Shri T.C. Goswami.

Category- 'B': NONE

Category- 'C':
1. Shri B.K. Sharma.
2. Shri S.K.L. Shrivastava.
3. Shri M.P. Sharma.
4. Shri Y.M. Sharma.
5. Shri O.P. Kesri.
6. Shri B.L. Hirve (S.C.)
7. Shri U.S. Dwivedi
8. Shri Jaykishan Lodha

Category- 'D':
1. Shri C.N. Kutty.
2. Shri P.L. Kochappan.
3. Shri R.S. Dhoke (S.C.)

Contd...2/-

R. S. Meena
Issued.

P.B. No. 4/98

2. I am to request you to implement the recommendations of the LDC and to endorse a copy each of the necessary Notification issued by the Tribunal for our record.

3. The A.C.R. dossiers (in original) of the officers who were under consideration are returned herewith.

4. The receipt of the A.C.R. Dossiers may kindly be acknowledged.

Yours faithfully,

Under Secretary to the Govt. of India

(B. SINGH)

14/12/98

Encl: (21 A.C.R. Dossiers)

No.F.48(C)-Ad(AT)/90.

Income-tax Appellate Tribunal,
Central Govt. Offices Building,
4th floor, Maharshi Karve Road,
BOMBAY - 400 020.

848

Dated the 17th Sept. 1992.

To

Shri S.N.Dhir,
Under Secretary to the Govt. of India,
Ministry of Law, Justice & Co. Affairs,
Department of Legal Affairs,
NEW DELHI.

Sub: Appointment of Assistant Registrar in the
Income-tax Appellate Tribunal against
promotion quota -

A & III Sir,

I am directed to state that one post of Assistant Registrar in the Income-tax Appellate Tribunal is lying vacant vice Shri P.K. Malhotra, permanent Assistant Registrar appointed as Assistant Legal Adviser in the Ministry of Law, Justice & Co. Affairs, Department of Legal Affairs, New Delhi.

2. According to Class I & Class II (Group 'A' & 'B') Posts Recruitment Rules, 1975, 50% of the vacancies in the post of Assistant Registrar, Income-tax Appellate Tribunal are to be filled up by direct recruitment and 50% by promotion of departmental candidate. The present vacancy falls at Point No.39 of the combined roster based on reservation for direct recruitment and promotion as per the Recruitment Rules for the said post and it arises at Point No.19 of the model Roster for reservation in the post of Assistant Registrar and is unreserved.

3. The names of the following Persons who come within the zone of consideration for promotion and are eligible in accordance with the Recruitment Rules are proposed for consideration of the Departmental Promotion Committee in order of their seniority in the feeder grades as on date :-

- | | |
|--|---------------------------------|
| I. Superintendent with 3 years regular service in the grade | None |
| II. Superintendent with 6 years regular combined service in the grades of Superintendent and Assistant Superintendent. | Shri K.C. Sinha |
| III. Assistant Superintendent and Translators (Hindi/English) with 6 years regular service in the respective grades. | Assistant Superintendent : None |

TRANSLATOR

1. Sri B.K. Sharma
2. Sri S.K.L. Srivastava
3. Sri M.P. Sharma
4. Sri Y.M. Sharma

....2.

Sl. No. 1428... (3) 27.9.92
Adm. (III) (L.A.)
Dated 23.9.92