FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6936 OF 2014

Ambadas Devidas Suryawanshi

-vs-

The Chairman, Central Road of Direct Taxes and others

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. S.D.Malke, counsel for the petitioner.
Mr. Rohit Deo, ASGI for the respondent Nos.1, 3 and 4.
Mrs. G. Venkatraman, counsel for the respondent No.2.

CORAM : SMT.VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 10.08.2015.

By this petition, the petitioner impugns the order of the Central Administrative Tribunal, dated 07/12/2012, dismissing an original application filed by the petitioner and holding that the petitioner was not entitled for the post of Assistant Commissioner.

The petitioner was working as a Deputy Savings Officer with the National Savings Organization with effect from 01/10/1978. The petitioner was promoted on the post of Deputy Regional Director in the said Department on 01/08/2001. On 31/01/2003 the said Department was closed and the petitioner was declared as surplus. In terms, the Central Civil Services (Re-deployment of Surplus Staff) Rules, 1990, the petitioner was absorbed in the Income Tax Department on the post of Income Tax Inspector. The last drawn pay of the petitioner in the Department of National Savings Organization was protected while absorbing the petitioner in the Income Tax Department. According to the petitioner, since the pay scale was Rs.8,000-13,500 of an Assistant Commissioner of Income Tax, the petitioner ought not have been absorbed as an Income Tax Inspector and should have been absorbed on the post of Assistant Commissioner of Income Tax. The claim of the petitioner was, however, rejected by the Central Administrative Tribunal.

On hearing the learned counsel for the parties and on a perusal of the order of the Tribunal, it appears that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction. The petitioner was redeployed on the post of Income Tax Inspector by protecting his pay scale of Rs.8,000-13,500. The petitioner could not have claimed his redeployment only on the post of Assistant Commissioner. There is nothing in Rule 4 of the Rules of 1990 which entitles the petitioner to claim the post of Assistant Commissioner. Admittedly, the pay of the petitioner was protected and he received the last drawn pay as an Income Tax Inspector after the Department of National Savings Organization was closed on 31/01/2003. We do not find anything in Rule 4(1) (ii) and (iv) which entitles the petitioner to seek the absorption on the post of Assistant Commissioner. The Tribunal was justified in rejecting the original application.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE **JUDGE**

KHUNTE