IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.7.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.Nos.36406 & 36407 of 2016
and
W.M.P.Nos.31357 and 31358 of 2016

1. The Union of India,
   rep. by the Chief Commissioner of
   Income Tax,
   Chennai-I, Chennai.

2. The Additional Commissioner of
   Income Tax(Administration),
   Headquarters, Chennai. ... Petitioners in both the cases

Versus

1. The Central Administrative Tribunal,
   rep. by its Registrar,
   High Court Building,
   City Civil Court Complex,
   Chennai.

2. Smt.Gomathi Subramaniam

3. Ms.Jayashree Kumar ... Respondents in W.P.No.36406/16

1. The Central Administrative Tribunal,
   rep. by its Registrar,
   High Court Building,
   City Civil Court Complex,
   Chennai.

2. Jwala Uma Maheswari

3. Ms.Jayashree Kumar ... Respondents in W.P.No.36407/16

Prayer: Writ petitions filed under Article 226 of the Constitution of India seeking issuance of writ of certiorari to call for the records of the first respondent Tribunal in O.A.Nos.1386 and 1388 of 2013 dated 7.3.2016 and quash the same.

For petitioners : Mr.V.Vijay Shankar

For R2 : Mr.T.N.Sugesh

For R3 : No appearance.

COMMON ORDER

(Order of the court was made by DR.G.JAYACHANDRAN, J.)

These writ petitions are directed against the orders of the Tribunal in allowing the Original Applications and thereby granting the relief of pay fixation of the petitioners therein on par with their juniors.

2. The main contention raised by the petitioners is that since the petitioners had not cleared the Departmental Examinations which they are supposed to clear for holding the post of Tax Assistant, but, they cleared the same later than the third respondent herein and therefore, they had missed one increment and accordingly, their future promotion based on the date of increment was taken note of.

3. However, on perusal of the records and the submissions made by the respective counsel, the Tribunal has allowed the OAs and directed for fixation of pay of the petitioners on par with their juniors.

4. Heard the learned counsel appearing for the respective parties. It is now brought to the notice that participating in the Departmental Examinations is not the choice of the employee but, it was the choice of the Department which selects the candidates to appear for the Departmental Examinations subject to other logistical follow up. In the said process, it has happened thus the third respondent has been allowed to participate in the Departmental Examinations earlier and made eligible to get the increment prior to the second respondent and the petitioners were allowed to participate in the Departmental Examination subsequently which cannot be found as a fault on the part of the petitioner to deprive of their increment on the

ground of clearance of the Departmental Examination at a later point of time. Therefore, we do not find any merit for consideration in the writ petitions and accordingly, they are dismissed. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Central Administrative Tribunal,
rep. by its Registrar,
High Court Building,
City Civil Court Complex,
Chennai.

+1cc to M/s.V.Vijay Shankar, Advocate, S.R.No.49821

+2cc's to M/s.T.N.Sugesh, Advocate, S.R.No.49311

W.P.Nos.36406 & 36407 of 2016

AR(CS IV)
CU(22/08/2017)