



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**OA No. 286/2019**

**New Delhi this the 20<sup>th</sup> December, 2019**

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI MEMBER (J)  
HON'BLE MR. PRADEEP KUMAR MEMBER (A)**

Praveen Kumar Agrawal  
S/o Sh. P. C. Agarwal  
A-202, New Income Tax Colony,  
Gen. A. K. Vaidya Marg, Goregaon (Eas)  
Mumbai- 400063, Maharashtra

.....Applicant

(By Advocate: Sh. R. P. Singh for Sh. Kunwar Pal Singh)

**Versus**

1. CENTRAL BOARD OF DIRECT TAXES  
Through its Chairman

Having their office at:  
CBDE, North Block,  
New Delhi 110001

2. DEPARTMENT OF PERSONNEL AND TRAINING  
Through its Secretary

Having their office at:  
Ministry of Personnel, Pension  
and Public Grievance, North Block, New Delhi 110001

.....Respondents

(By Advocate: Sh. Gyanendra Singh)

**ORDER (ORAL)****BY HON'BLE MR. PRADEEP KUMAR MEMBER (A)**

1. The applicant herein was appointed as an Income Tax Inspector in Madhya Pradesh region. He sought own request transfer to Rajasthan region in keeping with his personal difficulty. This was allowed. Subsequently he sought another own request transfer in keeping with his another personal difficulty and which was also agreed and he was transferred to Maharashtra region.

The own request for transfers are granted when the employee concerned gives a clear undertaking that he will not claim his past seniority. They are granted seniority in the new unit at the bottom of the seniority list.

2. Thereafter, the applicant made a representation to CBDT, claiming benefit of his past seniority even though he was absorbed on his own request transfer in Maharashtra region. While making such a request, he also pleaded that opinion of DoP&T should be obtained. The regional officer Maharashtra made a reference to CBDT for taking action on the representation of applicant and also pleaded that DoP&T's view should be obtained.



Subsequently the Maharashtra region passed an order on 28.02.2018 wherein reference was given to all the existing guidelines of the CBDT issued on 14.05.1990, and the request of applicant for grant of his earlier seniority in his parent region was denied. The applicant is aggrieved at such denial and he preferred the instant OA.

3. The applicant pleads that in a similar case, the DoP&T had reversed their earlier opinion and granted seniority of the parent region to similarly placed employee of another department.

4. Learned counsel for the respondents had argued the matter fully without filing the counter reply which was said to be under signature.

5. The matter has been heard. The instant case is one where the applicant had sought own request transfer. It is provided in the relevant circular that for own request transfer, the employee concerned will be placed at the bottom of the seniority list in the new unit. The applicant had been unable to draw attention to any such circular which grants erstwhile seniority in such cases.

6. The applicant referred to a judgement by the Hon'ble Supreme Court in the case **S.I. Rooplal vs.**



**Lieutenant Governor**, [(2000)1 SCC 644]. It is noted that Sh. Roop Lal was serving BSF and came on deputation to Delhi Police and thereafter he was absorbed in Delhi Police. He claimed seniority of parent department. Accordingly, relied upon said case is of deputation followed by absorption from one department (BSF) to the other (Delhi Police).

As against this, the instant case is one where the recruitment as Income Tax Inspector is done as per all India merit list and the department remains the same i.e. CBDT and in case of own request transfer from one region to another, the bottom seniority is to be given. Hence, the decision of the Apex Court in the case of **S.I. Rooplal** (supra) is not attracted in the instant case.

7. Another plea raised by the applicant is that the same authority of Maharashtra region, who wrote to CBDT to obtain the opinion of DoP&T had changed his views within a period of 15 days and passed another order rejecting the representation of the application. This cannot be allowed.

Tribunal has considered this plea. The Tribunal notes that in case the earlier reference was made to



CBDT to obtain the opinion of the DoP&T and later this authority was made aware of existing rules on the subject and that making reference to DoP&T or even CBDT is not needed, the same authority is fully competent to pass the order rejecting the claim of past seniority. The applicant has not been able to point out any other legal infirmity in the order passed on 28.02.2018 by the Maharashtra region.

8. In view of the forgoing, the OA is found to be devoid of merit and is accordingly dismissed.
9. No costs.

**(PRADEEP KUMAR)**  
**MEMBER (A)**

**(JUSTICE VIJAY LAKSHMI)**  
**MEMBER (J)**

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