



**O.A. No.1529/2020**

**This the 15<sup>th</sup> day of October, 2020**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Ms. Aradhana Johri, Member (A)**

Nishant Tomar	Aged about 29 years
S/o Sh. Raj Kumar Tomar	Group A
R/o 30/4-5-6, Ekta Colony,	Sub - Seniority
Behind Behal hospital,	
Sriganganahar, Rajasthan-335001	

...Applicant

(By Advocate:Ms. Saahila Lamba )

## VERSUS

1. Union of India  
Ministry of Finance  
Through its Secretary  
North Block, New Delhi-110001.
2. Department of Revenue, thr. Chairperson  
Central Board of Indirect Taxes and Customs  
Ministry of Finance, North Block  
New Delhi.
3. Department of Personnel and Training, thr. Secretary  
Ministry of Personnel, Public Grievances  
and Pensions, North Block,  
Central Secretariat, New Delhi.

...Respondents

(By Advocate: Mr. S.M. Zulfiqar Alam)

**ORDER (ORAL)****Mr. Justice L. Narasimha Reddy:**

The applicant took part in the Civil Service Examination, 2015 (CSE, 2015) and he was allocated Indian Revenue Service (IRS). On account of uncertainty as regards his social status, the applicant joined the service belatedly by 01.03.2018, whereas his other batch mates joined the service on 19.12.2016. The applicant made a representation on 13.07.2018 with a request to grant him, the seniority and other benefits as extended to his other batch mates w.e.f. 19.12.2016. Vide order dated 11.04.2019, the respondents, required the applicant to cite the relevant rules and other provisions of law in support of his plea. This O.A. is filed challenging the said communication.

2. The applicant contends that once he cleared in the CSE, 2015, he is entitled to be granted seniority and increments, on par with his other batch mates.

3. We heard Ms. Sahila Lamba, learned counsel for applicant and Mr. S M Zulfiqar Alam, learned counsel for respondents, at the stage of admission, through vide conferencing.

4. It has already been mentioned that the batch mates of the applicant, selected in CSE, 2015 joined the service on



19.12.2016 in IRS. In case of the applicant, uncertainty remained about his social status, so much so, that he had to file W.P. (C) No.3079/2017 before the Hon'ble High Court of Delhi. It was only after the Hon'ble High Court passed an order dated 04.01.2018, that the applicant joined the service on 01.03.2018. Thereafter, the applicant made correspondence seeking seniority and increments. In response to the same, the respondents issued communication dated 11.04.2019 requiring the applicant to cite rule or provision of law in support of his plea and contention. The respondents have not decided the claim of the applicant and it is only when any adverse order is passed, that a cause of action would arise to the applicant. He can cite relevant rules and other provisions of law in support of his claim.

5. We, therefore, dispose of this O.A. giving liberty to the applicant to submit representation to the respondents citing the relevant rules and other provisions of law within four weeks from today. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/sunil/mbt /sd/akshaya2nov/