

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.199/2020

This the 24th day of July, 2020

Sureshchand Meena
S/o. Loharchya Ram Meena
Aged : 50 years, (DOB being 01.07.1970)
Presently working as Income Tax Officer
O/o. Joint Commissioner of Income Tax-4(2), Ward-4(2)(5),
Ahmedabad.
Address : Pratyaksh Kar Bhawan,
Opp. Govt. Polytechnic, Ambawadi,
Ahmedabad 380 015. **Applicant**

(By Advocate : Shri Hardik V.Vora)

VERSUS

1. Union of India, through its Secretary,
Ministry of Finance, Government of India
Department of Revenue,
Room No. 46, North Block,
New Delhi 110 001.
2. Joint Commissioner of Income Tax-4(2), Ward-4(2)(5)
Ahmedabad
Pratyaksh Kar Bhawan,
Opp. Govt. Polytechnic, Ambawadi,
Ahmedabad 380 015.
3. Pr. Chief Commissioner of Income Tax, Gujarat
Room No. 206, Second Floor, Aaykar Bhavan,
Ashram Road,
Ahmedabad - 380 009. **Respondents**

O R D E R – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, it is the case of the Applicant that presently he is working as Income Tax Officer in the office of the Joint

Commissioner of Income Tax-4(2), Ward-4(2)(5), Ahmedabad under the controlling office of the Respondent No.3 i.e. Principal Chief Commissioner of Income Tax, Gujarat.

2. The Applicant was appointed on 06.11.1994 as Inspector of Income Tax (DR) at Mumbai. Thereafter, on inter-charge Transfer, he was transferred from CCIT, Mumbai to CCIT, Gujarat. He joined his duty on 03.08.1998 as Inspector of Income Tax (DR) at Vadodara. He was allotted bottom seniority in the seniority list of Inspectors in Gujarat Region w.e.f. 03.08.1998 i.e. the date on which he joined the office of CCIT, Gujarat. According to the Applicant, his seniority is required to be reckoned from the date of his initial joining as Inspector of Income Tax (DR) at Mumbai as 06.11.1994.

3. The claim of the Applicant is that to restore his seniority of inter-charge transfer in the light of law laid down by the Hon'ble Supreme Court of India in case of *Pratibha Rani & Ors. v/s. Union of India & Ors.* in Civil Appeal No.3792/2019. In this regard, he has submitted his representation before the competent authority on 21.10.2019 and in response to it, the office of the Respondent No.3 i.e. Principal Chief Commissioner of Income Tax, Gujarat vide its letter dated 20.3.2020 (Annexure A-1) informed the Respondent No.2 that the Applicant representation was deliberated at appropriate level. It is further stated in the said letter that in the light of the Hon'ble Supreme Court's decision in the case of *Pratibha Rani & Ors. (supra)*, the

CBDT (HRD) has constituted a committee vide O.M. dated 14.02.2020 to analyse various judgments with respect to ICT policy in the department and therefore, the decision with respect to the representation filed by the officer (the applicant herein) may be kept in abeyance till further communication / clarification. Learned counsel for the Applicant states that the Applicant has also submitted another representation dated 05.03.2020 with regard to consideration for his promotion to the post of ITO (Annexure A-6). However, for one reason or other, the representations of the Applicant are not decided till date. Hence, this OA.

4. After arguing for some time, counsel for the applicant submits that the applicant will be satisfied, if appropriate direction be issued to the respondents for expeditious consideration of his pending representations before the committee constituted as mentioned in the letter dated 20.3.2020 by the respondent No.3 and the Applicant may be allowed to withdraw this OA.

5. Considering the aforesaid submissions of the counsel for the Applicant and on perusal of the record, it is noticed that by letter dated 20.3.2020 (Annexure A-1), the respondent No.3 has categorically intimated to the Applicant that the CBDT (HRD) has constituted a committee with respect to analyse various judgment including the judgment by Hon'ble Apex Court in case of *Pratibha Rani (supra)* with respect to ICT policy in the department and for the said reason,

the representation of the applicant has kept in absence. In view of this fact, it is appropriate at this stage to allow the applicant to withdraw this OA and at the same time, it is expected that the respondents will take appropriate decision on the pending representations of the applicant within a period of two months from the date of receipt of a copy of this order and decision whatsoever is taken shall be intimated to the Applicant within fifteen days thereafter. It is made clear that this Tribunal has not expressed any opinion on the merits of the case.

6. In view of the above, the OA is dismissed as withdrawn. No costs.

(J.V.Bhairavia)
Member (J)

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