

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/01044/2020

Date of order : 20.1.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Pinaki Dutta Chowdhury,
Residing at CE/9 (1st Floor),
Rup Jhalmal Co-operative Housing Society Limited,
Street No. 210,
Newtown,
Action Area - I,
Kolkata - 700 156.

.... Applicant

- VERSUS -

1. Union of India,
Service through the Secretary,
Ministry of Finance,
North Block,
New Delhi - 110 001.
2. Department of Personnel & Training,
Service through the Secretary,
Ministry of Personnel,
Public Grievances and Pensions,
Government of India,
3rd Floor, Lok Nayak Bhawan,
New Delhi - 110 033.
3. The Chairman,
Central Board of Direct Taxes,
Department of Revenue,
Ministry of Finance,
Government of India,
North Block,
New Delhi - 110 001.
4. Principal Chief Commissioner of Income Tax,
West Bengal & Sikkim,
Aayakar Bhawan,

hsl

P-7, Chowringhee Square,
Kolkata - 700 069.

5. Joint Secretary (Administration),
Central Board of Direct Taxes,
Ministry of Finance,
North Block,
New Delhi - 110 001.
6. Principal Director General Of Income Tax
(Human Resource Development),
Directorate of Income Tax,
Human Resource Development,
Central Board of Direct Taxes,
Jawaharlal Nehru Stadium,
2nd Floor,
Lodhi Road,
New Delhi - 110 003.

.... Respondents

For the Applicant : Mr. B. Nag, Counsel

For the Respondents : Ms. E. Banerjee, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) An order directing the respondent authorities to forthwith grant the applicant extension of all consequential benefits including seniority, pay, etc. by treating the applicant as redeployed against the post of Inspector, Income Tax w.e.f. 08.04.2004 in reference to the other similarly placed persons who were granted the same benefit;
- (b) Declaration that the impugned inaction of the respondent authorities in not redeploying the applicant to the post of Inspector, Income Tax w.e.f. 08.04.2004 and all acts, deeds and things done in furtherance thereof as illegal and arbitrary;
- (c) The respondent authorities be directed to treat the date of redeployment of the applicant as 08.04.2004 to the post of Inspector, Income Tax and to fix the seniority of the applicant and grant all benefits associated therewith to the applicant accordingly;

haf

- (d) Costs of and/or incidental to the instant application be borne by the respondent authorities;
- (e) Such further and/or other order or orders be passed and/or direction or directions be given as this Learned Tribunal deems fit and proper."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the applicant, a surplus District Savings Officer of the National Savings Organization (NSO) was redeployed as an Inspector in the Income Tax Department, Patna, vide orders dated 14.9.2007.

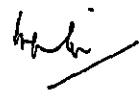
Vide DOP&T's order dated 27.6.2016 (Annexure A-6 to the O.A.); however, the respondent authorities have settled the seniority of six Income Tax Inspectors w.e.f. 8.4.2004 who were also redeployed from the NSO being declared surplus District Savings Officers.

The applicant would submit that, as he is similarly circumstanced with one of such officers, namely, Sri Dhaneshwar Mahto (Annexure A-1 to the O.A.), he should have been allowed to be redeployed and his seniority fixed w.e.f. 8.2.2004.

The applicant had represented accordingly at Annexure A-8 to the O.A. (colly.) and would pray that his representation be considered forthwith by the respondent authorities.

4. Ld. Counsel for the respondents would not object to consideration of such representations in accordance with law.

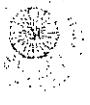
5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the addressee authority or any other competent authority to examine the contents at Annexure A-8 to the O.A. (collectively), if received at their end, and, dispose of the same in accordance with law, and, after examining the similarity of circumstances of the applicant



with Shri Dhaneshwar Mahto, who had admittedly been redeployed since 8.4.2004 in terms of DOPTs orders dated 27.6.2016 (Annexure A-6 to the O.A.).

The said authority shall convey his decision in the form of a reasoned and speaking order within 16 weeks from the date of receipt of a copy of this order.

6. With these directions, the O.A. is disposed of. No costs.

1/
SP

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member