

3
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00760 of 2015
Cuttack, this the 5th day of November, 2015

CORAM
HON'BLE SHRI R.C. MISRA, MEMBER (Admn.)

.....

Akshay Kumar Sahoo,
aged about 37 years,
S/o. Bhima Charan Sahoo,
Tax Assistant, O/o JCIT, R-1, Ayakar Bhawan,
Shelter Chhak, Tulasipur, Cuttack,
Permanent residence of Plot No. 3C/271,
Sector-9, C.D.A., Cuttack-753014, Odisha.

...Applicant

(Advocates: M/s. N.R.Routray, S. Sarkar, U. Bhatt, Smt. J. Pradhan, T.K. Choudhury)

VERSUS

Union of India Represented through its

1. Secretary, Govt. of India,
Ministry of Finance, Department of Revenue,
North Block, New Delhi-110001.
2. Chairman,
Central Board of Direct Taxes,
Ministry of Finance, Department of Revenue,
North Block, New Delhi- 110001.
3. Principal Chief Commissioner of Income Tax (CCA),
Department of Revenue, C.R.Building,
I.P. Estate, New Delhi.
4. Deputy Director of Income Tax,
Human Resource Development, ICADR Building,
Plot No. 6, Vasant Kunj Institutional Area,
Phase-II, New Delhi-110070.
5. Pr. Chief Commissioner of Income Tax (CCA),
Rajaswa Vihar, Bhubaneswar,
Odisha.

... Respondents

(Advocate: Mr. J.K.Nayak)

.....



O R D E R (Oral)

R.C.MISRA, MEMBER (A):

Heard Mr.N.R.Routray, learned counsel for the applicant and Mr.J.K.Nayak, learned ACGSC for the respondents on the question of admission.

2. Applicant has approached this Tribunal with a prayer to quash Para-5 of the instructions dated 17.6.2015 which *inter alia* states that as per the existing DoPT and CBDT instructions on inter-region transfer, for the purpose of reckoning prescribed years of regular service in the grade, the service rendered by an inter-regional transferee in the old region shall not be counted in the new region which he has joined on such transfer, if the transfer is on the request of the officer concerned.

3. It is the case of the applicant that the CAT, Principal Bench as well as Ernakulam Bench have already decided this matter and have held that Para-5 of the instruction is not maintainable as per law and accordingly, this Para has been quashed. It is submitted by Mr.Routray that the decision of the Principal Bench has already been confirmed by the orders of the Hon'ble High Court of Delhi. Grievance of the applicant is that in spite of such orders, respondents are still not considering the eligibility of the applicant with regard to the promotion to the next higher grade.

4. It is noticed that applicant has preferred a representation dated 15.9.2015(A/8) to the Principal Chief Commissioner, Income Tax, Bhubaneswar in which he has elaborately submitted various courts orders on the point in issue with a prayer to reckon his eligibility to be promoted to the next higher grade in view of quashing of para-5 of the instructions dated 17.6.2015.



5. Since a detailed representation has been made, it is expected that the concerned authority will consider the same as per law taking the decision of CAT, Principal Bench and Eranakulam Bench into consideration. At this stage, therefore, without going into the merit of the matter, I direct the Principal Chief Commissioner of Income Tax (Res.no.5) to consider the representation dated 15.9.205 in keeping with the decisions as mentioned above and pass a reasoned and speaking order within a period of sixty days from the date of receipt of this order.

6. With the above observation and direction, the O.A. is disposed of. No costs.

7. On the prayer made by the learned counsel, copy of this order along with paper book of O.A. be sent to respondent nos.2,3,4 and 5 at the cost of the applicant for which Mr.Routray undertakes to file the postal requisites by 6.11.2015.

8. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

BKS