

41

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.345 of 2012

Cuttack this the 5th day of August, 2015

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

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

Kishore Chandra Mohanty
Aged about 48 years
Son of Shri Kailash Chandra Mohanty
A permanent resident of Bidanasi
Cuttack
At present working as Income Tax Officer
Ward 2(3), Arunodayanagar
Cuttack

...Applicant

By the Advocate(s)-M/s.G.Rath

S.Rath

B.K.Nayak-3

D.K.Mohanty

-VERSUS-

Union of India represented through

1. The Secretary to Government of India
Ministry of Finance
Department of Revenue
Central Secretariat
New Delhi-110 001
2. The Central Board of Direct Taxes
Department of Revenue
Represented by the Chairman
North Block
New Delhi-110 001
3. The Chief Commissioner of Income tax
Orissa
Ayakar Bhawan
Rajaswa Vihar

42 -2-

Vanivihar
Bhubaneswar-751 007

...Respondents

By the Advocate(s)-Mr.S.Behera

ORDER(Oral)

A.K.PATNAIK, MEMBER(I)

Applicant, presently working as Income Tax Officer has approached this Tribunal seeking the following relief.

- i) To direct the Respondents [in view of the specific provision made in WP (C) No.2159 of 2010 & the instructions under Annexure-A/2 & A/3] to grant the applicant benefit of the earlier long standing policy decision by antedating his date of promotion to ITO to 17.04.1996 for the sake of removal of discrimination.
- ii) To direct the Respondents to consequently grant the applicant all consequential and financial benefits retrospectively or
- iii) To direct the Respondents to review all the cases where benefit of the instruction dated 13.2.1974 which have been reiterated on 18.11.1996 and thereafter had been granted/given.

2. On being noticed Respondents have filed their counter opposing the prayer of the applicant.

3. We have heard Mr.G.Rath, learned senior counsel, assisted by Mr.D.K.Mohanty for the applicant and Mr.S.Behera, learned SCGSC appearing on behalf of the Respondents and perused the records.

4. During the course of hearing, Mr.Rath submitted that in compliance of the order of the Hon'ble Apex Court dated 27.11.2012 in Union of India &

Ors. vs. N.Parmar and ors., respondents are going to convene the review DPC for the year 1995-96 and therefore, applicant will be satisfied if a direction is issued to respondents to consider and dispose of the representation of the applicant having regard to the recommendations dated 13.08.2012 made by the Chief Commissioner of Income Tax as well as OM dated 19.7.1989 issued by the DOP&T.

5. In view of this, we direct the respondents to consider and dispose of the representation of the applicant having regard to the recommendations dated 13.08.2012 made by the Chief Commissioner of Income Tax as well as OM dated 19.7.1989 issued by the DOP&T 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, this O.A. is disposed of. No costs.

(R.C.MISRA)
MEMBER(A)
BKS

(A.K.PATNAIK)
MEMBER(J)