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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A. No.452 of 2013

Cuttack, this the 15th day of July, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

HON'BLE MR. R. C. MISRA, MEMBER (ADMN.)

.....

Shri Sunil Kumar Parida, aged about 32 years, Son of Late Kshirodramani Parida a permanent resident of Village-Banchhanagar, Po.Jamutbahal, PS. Gaisilat, Dist. Bargarh, presently residing at Quarter No.3/6, Income Tax Colony, Ainthapali, Sambalpur, PIN 768 004, Odisha at present working as Inspector of Income Tax, Office of the JCIT (Range-1), Sambalpur under the Control of Chief Commissioner of Income Tax (CCA), Aayakar Bhawan, Bhubaneswar, Dist. Khurda, Odisha.

.....Applicant

(Advocate(s) -M/s.J.M.Pattanaik,C.Panigrahi)

-VERSUS-

Union of India represented through -

1. Secretary (Revenue), Ministry of Finance, Department of Revenue, Central Secretariat, New Delhi-110 001.
2. The Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi-110 001.
3. The Chief Commissioner of Income Tax, Odisha Region, Aayakar Bhawan, Bhubaneswar, Dist. Khurda.
4. The Commissioner of Income Tax, Aayakar Bhawna, Ainthapalli, Sambalpur.

.....Respondents

(Advocate(s)-Mr.U.B.Mohapatra)

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O R D E R

(Oral)

A.K. PATNAIK, MEMBER (I):

The grievance of the Applicant (Shri Sunil Kumar Parida working as Inspector of Income Tax, in the office of the JCIT, Range 1, Samblapur) in this Original Application is that despite the order of the Hon'ble Apex Court dated 27th November, 2012 in Civil Appeal Nos. 7514-7515 of 2005 and others (Union of India and others –Versus-N.R.Parmar & Others) holding that direct recruits Income Tax Inspectors shall have to be interspaced with promotes of the same recruitment year and submission of representation dated 21.12.2012 followed by reminder dated 24.1.2013 requesting revision of his place and position in the gradation list of Inspector of Income Tax, neither the gradation list has been revised in accordance with the order of the Hon'ble Apex Court in the case of NRParmar (supra) nor he has been communicated any reply on his representation and on the other hand, it is the case of the Applicant ^{that} the Respondents are going to hold DPC to fill up next higher post based on the existing

[Signature]

gradation list. Hence by filing the instant OA, the Applicant, while praying for direction to the Respondents to revise the gradation list issued placed at Annexure-A/1 and A/5 showing his name at the appropriate place in compliance of the order of the Hon'ble Apex Court by way of ad interim measure, he has sought direction to the Respondents not to give effect promotion to ITO from the existing gradation list at Annexure-A/5.

2. Copy of this OA has been served on Mr.U.B.Mohapatra, Learned Senior CGSC for the Union of India who is present in Court today. Accordingly, we have heard Mr.J.M.Patnaik, Learned Counsel for the Applicant and Mr.U.B.Mohapatra, Learned Senior CGSC appearing for the Respondents.

3. Mr.Mohapatra, has no immediate information on the fate of the representation submitted by the Applicant and therefore seeks time to obtain instruction. Mr.Pattanaik, Learned Counsel for the Applicant submitted that through the order of the Hon'ble Apex Court relates to the dispute between direct recruits and

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promotes of the Income Tax Department and as per the mandate provided in Article 141 of the Constitution of India the Respondents ought to have revised the gradation list of Income Tax Inspector, they have not done so till date.

4. Be that as it may, as the representation of the applicant dated 21.12.2012 followed by reminder dated 24.1.2013 is/are pending, we do not like to keep this matter pending and, therefore, as agreed to, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage with direction to the Respondent No.3 to consider the representation of the Applicant at Annexure-A/2 followed by reminder at Annexure-A/4 (if it is still pending) keeping in mind the decision of the Hon'ble Apex Court in the case of NRParmar (supra) and communicate the decision thereof in a well-reasoned order to the applicant within a period of sixty days from the date of receipt of copy of this order and till then filling up of the post of ITO from the existing gradation list of Income Tax Inspector shall await.

5. As prayed for by Mr.Patnaik, Learned Counsel appearing for the Applicant copy of this order along with OA be


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sent to Respondent No.3 for compliance at his cost for which he undertakes to furnish the required postal requisites by 17.7.2013.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)