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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO.060/00432/2014
Chandigarh, this the 31st Day of October, 2014**

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**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J).**

...

1. Akhilesh Kumar Parmar - tma Ji son of Sh. Tripurari Sahay age 33 years working as Senior Tax Assistant in the Office of Commissioner of Income Tax-II, Chandigarh.
2. D.N. Sinha son of Sh. Basant Prasad age 36 years working as Senior Tax Assistant in the office of Deputy Commissioner of Income Tax, Circle-III, Ludhiana.
3. S.K. Tripathi son of Late Sh. Kedar Nath Tripathi age 33 years working as Senior Assistant in the office of Commissioner of Income Tax-I, Ludhiana.
4. D.S. Negi son of Sh. Rajender Singh Negi, age 33 years working as Senior Tax Assistant in of the office of DIT (I & CI), Chandigarh.
5. Asutosh Kumar son of Sh. Ravi Bhushan Sharma age 34 years working as Senior Tax Assistant in the office of ITO, Ward-3(4), Chandigarh.

...APPLICANTS

VERSUS

1. Union of India through Secretary to Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes, New Delhi.
2. The Principal Chief Commissioner of Income Tax, North West Region, Aayakar Bhawan, Sector 17E, Chandigarh.

...RESPONDENTS

Present: Sh. D.R. Sharma, counsel for the applicants.
Sh. K. K. Thakur, counsel for the respondents.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking inter alia following relief:



- "8 (i) That the respondents be directed to include the names of applicants along with others in the Departmental Promotion Committee (DPC) for promotion to the post of Inspector for the year 2013-14 and 2014-15 pursuant to letters No.CCIT/Chd./CB-I/DPC/2014-15/12-13 dated 15.04.2014 (Annexure A-1) and letter No.CCIT/Chd./CB-1/DPC/2014-15/10-11 dated 15.04.2014 (Annexure A-2).
- (ii) That the action of respondents in not including names of applicants in the list of eligible candidates for promotion to the post of Inspector for the year 2013-2014 and 2014-2015 be declared null and void and set aside.
- (iii) That it be declared that because the applicants stand promoted to the post of Sr. TA they can not be made ineligible for promotion to the post of Inspector as no nexus of object is going to be achieved by not considering the applicants/Sr.TAs by counting their service from the date of promotion as Sr.TAs and by allowing the lower categories like Tax Assistants, UDC, Stenographers Grade I/II/III for promotion to the post of Inspector."

2. Written statement and rejoinder have been filed on behalf of the respondents and applicants respectively. Thereafter M.A. No.060/01147/2014 was filed on 26.8.2014 on behalf of the applicants praying that the present OA may be disposed of in terms of decision in O.A. No.1180 of 2013 of the C.A.T. Hyderabad Bench.

3. When the matter came up for consideration today, learned counsel for the respondents stated that he had been advised vide letter No.F.No.Pr.CC/CHD/CB-1/2014-15/134 dated 1.10.2014 on the subject of the present OA as follows:

- "3. Now a clarification on this matter has been received vide Board's letter F.No.HRD/CM123/4/2012-13/4058 dated 12.09.2014 (copy enclosed).
4. In view of the above referred clarification that has been received from the DGIT (HRD), the eligibility list for promotion from Tax Assistant to Inspector will be drawn and circulated shortly. Subsequently, the necessary DPC




for the eligible candidates will be held and select panel will be drawn."

He stated that the decision in OA No.1180 of 2013 of the C.A.T., Hyderabad Bench was indeed applicable in the matter and he sought three months time so that eligibility list from Tax Assistants to Inspector could be finalized, necessary DPC held and select panel drawn up.

4. In view of the submissions made by learned counsel for the respondents, this OA is allowed with direction to the respondents to complete the process of promotion of eligible applicants to the post of Inspector within a period of three months from the date of a certified copy of this order being served upon the respondents.

5. No costs.


(DR. BRAHM A. AGRAWAL)
MEMBER (J)


(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 31.10.2014.

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